



City of Douglas

Personnel Rules and Regulations

Adopted by Mayor and Council
December 15, 2003

Effective: January 14, 2004

City of Douglas Employees...

In VIEW

Mission



THE CITY OF DOUGLAS IS COMMITTED TO ENHANCE QUALITY OF LIFE AND ECONOMIC GROWTH IN THE COMMUNITY BY PROVIDING THE FINEST MUNICIPAL SERVICES THROUGH EXCELLENT CUSTOMER SERVICE, CONSISTENT PRACTICES, AND SUPPORT OF PARTNERSHIPS.

IN DOING SO, CITY EMPLOYEES ARE:

VALUED

INNOVATIVE

EMPOWERED

WELL-TRAINED

RULE I. DEFINITION OF TERMS.....	6
SECTION 1. ALLOCATION.....	6
SECTION 2. ANNIVERSARY DATE	6
SECTION 3. ANNUAL LEAVE	6
SECTION 4. APPOINTMENT	6
SECTION 5. BOARDS.....	6
SECTION 6. CLASS.....	6
SECTION 7. CLASSIFIED SERVICE	6
SECTION 8. COMPENSATORY TIME.....	6
SECTION 9. CONFIDENTIAL POSITIONS.....	6
SECTION 10. DEPARTMENT HEAD	6
SECTION 11. EMPLOYEE.....	6
SECTION 12. EXAMINATION.....	7
SECTION 13. GRIEVANCE.....	7
SECTION 14. MERIT INCREASE	7
SECTION 15. ORIGINAL PROBATION	7
SECTION 16. OVERTIME WORK	7
SECTION 17. PART-TIME EMPLOYEE.....	7
SECTION 18. PERFORMANCE EVALUATION.....	7
SECTION 19. PERMANENT STATUS.....	7
SECTION 20. HUMAN RESOURCES DIRECTOR	7
SECTION 21. POSITION.....	7
SECTION 22. PROMOTIONAL PROBATION	8
SECTION 23. PUBLIC SAFETY EMPLOYEES.....	8
SECTION 24. REEMPLOYMENT	8
SECTION 25. REGISTER.....	8
SECTION 26. RETIREMENT ELIGIBILITY	8
SECTION 27. REVERSION.....	8
SECTION 28. SEASONAL EMPLOYEE	8
SECTION 29. SICK LEAVE	8
SECTION 30. TEMPORARY EMPLOYEE	8
SECTION 31. LIMITED EMPLOYEE.....	8
SECTION 32. SEPARATION WITHOUT PREJUDICE.....	8
RULE II. GENERAL PROVISIONS.....	8
SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY.....	8
SECTION 2. VIOLATION OF RULES.....	9
SECTION 3. AMENDMENT AND REVISION OF RULES.....	9
SECTION 4. UNCLASSIFIED SERVICE	9
SECTION 5. PERSONNEL APPEALS BOARD	9
SECTION 6. MERIT SYSTEM BOARD	10
SECTION 7. OUTSIDE EMPLOYMENT	10

SECTION 8. CITY WORK SCHEDULE	10
SECTION 9. APPOINTMENT TO BOARDS, COMMISSIONS OR COMMITTEES	10
RULE III. CONDITIONS OF EMPLOYMENT	10
SECTION 1. LOYALTY OATH	10
SECTION 2. POLITICAL ACTIVITY PROHIBITED	10
SECTION 3. SOLICITATION ACTIVITY PROHIBITED	11
SECTION 4. RESIDENCE REQUIREMENT	11
SECTION 5. POLYGRAPH EXAMINATIONS	11
SECTION 6. PHYSICAL EXAMINATION	11
SECTION 7. CITIZENSHIP	11
SECTION 8. DRUG FREE WORKPLACE POLICY	11
SECTION 9. PRIOR EMPLOYEES	16
SECTION 10. EMPLOYMENT COMMITMENT FOR TRAINING	16
SECTION 11 EMPLOYEE-LABOR RELATIONS:	16
RULE IV. RECRUITMENT	16
SECTION 1. FILLING OF VACANCIES	16
SECTION 2. NOTICE	16
SECTION 3. CONTENT OF ANNOUNCEMENT	17
SECTION 4. APPLICATION FORMS	17
SECTION 5. DISQUALIFICATION	17
SECTION 6. HIRING OF RELATIVE-NEPOTISM	17
RULE V. SELECTION OF EMPLOYEES	17
SECTION 1. MINIMUM QUALIFICATIONS	17
SECTION 2. INTERVIEWS:	17
SECTION 3. SELECTION CRITERIA	17
SECTION 4. REGISTER	18
SECTION 5. CERTIFICATION	18
SECTION 6. SELECTION	18
SECTION 7. PREFERENCE FOR LIMITED EMPLOYEES	18
RULE VI. EMPLOYMENT LISTS	18
SECTION 1. REGISTERS	19
SECTION 2. ELIGIBILITY LISTS	19
SECTION 3. REMOVAL OF NAMES FROM LIST	19
RULE VII. EXAMINATION	19
SECTION 1. NATURE AND TYPES OF EXAMINATION	19
SECTION 2. REVIEW OF EXAMINATION PAPERS	19
RULE VIII. APPOINTMENT	19
SECTION 1. TYPES OF APPOINTMENTS	19
SECTION 2. ORIGINAL PROBATIONARY APPOINTMENT	20
SECTION 3. CONFIDENTIAL APPOINTMENT	20

SECTION 4. PROVISIONAL APPOINTMENT	20
SECTION 5. TEMPORARY APPOINTMENT	20
SECTION 6. SEASONAL APPOINTMENT	20
SECTION 7. LATERAL ENTRY	20
SECTION 8. LIMITED APPOINTMENT	20
SECTION 9. UNDERFILL APPOINTMENT	20
RULE IX. CHANGES IN ASSIGNMENT.....	20
SECTION 1. SALARIES FOR CHANGES IN ASSIGNMENT	20
SECTION 2. PROMOTION.....	20
SECTION 3. TRANSFER.....	21
SECTION 4. OUT OF CLASS ASSIGNMENT	21
SECTION 5. ON-CALL DUTY	21
SECTION 6. VOLUNTARY DECREASE	21
RULE X. PROBATION.....	22
SECTION 1. TYPES OF PROBATION.....	22
SECTION 2. ORIGINAL PROBATION	22
SECTION 3. PROMOTIONAL PROBATION.....	22
SECTION 4. EXTENSION OF PROBATION	22
SECTION 5. OBJECTIVE OF PROBATIONARY PERIOD.....	22
SECTION 6. COMPLETION OF PROBATION	23
SECTION 7. REEMPLOYMENT	23
RULE XI. CLASSIFICATION.....	23
SECTION 1. PREPARATION OF PLAN.....	23
SECTION 2. ADOPTION, AMENDMENT AND REVISION OF PLAN	23
SECTION 3. ABOLITION OF POSITION.....	23
SECTION 4. ALLOCATION OF POSITIONS	23
SECTION 5. NEW POSITIONS	23
SECTION 6. RECLASSIFICATION.....	23
SECTION 7. TITLE OF POSITION	23
RULE XII. ATTENDANCE AND LEAVES.....	23
SECTION 1. ATTENDANCE	24
SECTION 2. ANNUAL LEAVE.....	24
SECTION 3. SICK LEAVE	25
SECTION 4. DONATION OF LEAVE:	26
SECTION 5. ADMINISTRATIVE LEAVE:	26
SECTION 6. BEREAVEMENT LEAVE:.....	26
SECTION 7. MILITARY LEAVE.....	26
SECTION 8. LEAVE WITHOUT PAY	27
SECTION 9. LEAVE DUE TO ILLNESS OR INJURY:.....	27
SECTION 10 JURY LEAVE & SUBPOENA LEAVE.....	27
SECTION 11. FAMILY AND MEDICAL LEAVE:.....	28
SECTION 12. RESERVED.....	29

SECTION 13. MISCELLANEOUS LEAVE	29
SECTION. 14 INDUSTRIAL LEAVE BENEFITS:.....	29
RULE XII. SECTION 15. RESERVED	30
SECTION 16. UNAUTHORIZED ABSENCE.....	30
RULE XIII. HOLIDAYS	30
RULE XIV. SALARY ADMINISTRATION:	31
SECTION 1. APPLICATION OF RATES.....	31
SECTION 2. ADVANCEMENT WITHIN SALARY SCHEDULE.....	31
SECTION 3. ADVANCED SALARY	31
SECTION 4. OUT-OF-CLASS ASSIGNMENT	31
SECTION 5. PROMOTIONS,	32
SECTION 5A. TRANSFERS	32
SECTION 6. VOLUNTARY DECREASE	32
SECTION 7. DEMOTION	32
SECTION 8. REDUCTION IN FORCE.....	32
SECTION 9. REVERSION	32
SECTION 10. SHIFT DIFFERENTIAL	32
SECTION 11. CONFIDENTIAL POSITIONS.....	32
SECTION 12. REEMPLOYMENT	32
SECTION 13. CLASSIFICATION OR RANGE CHANGES	32
SECTION 14. UNDERFILL	32
RULE XV. OVERTIME	33
SECTION 1. POLICY.....	33
RULE XVI. BENEFITS	33
SECTION 1. HOSPITALIZATION INSURANCE	33
SECTION 2. LIFE INSURANCE	33
SECTION 3. INCOME PROTECTION.....	33
SECTION 4. STATE RETIREMENT SYSTEM	33
SECTION 5. PUBLIC SAFETY RETIREMENT	33
SECTION 6. CLOTHING ALLOWANCE AND UNIFORMS.....	33
SECTION 7. SOCIAL SECURITY.....	33
RULE XVII. EMPLOYEE DISCIPLINE	33
SECTION 1. GENERAL RULE	33
SECTION 2. PURPOSES OF DISCIPLINE	34
SECTION 3. DISCIPLINARY DECISION	34
SECTION 4. TYPES OF DISCIPLINE.....	34
SECTION 5. REASONS FOR DISCIPLINARY ACTIONS, INCLUDING TERMINATION	35
RULE XVIII. GRIEVANCE PROCEDURE.....	36
SECTION 1. PURPOSE.....	36
SECTION 2. MATTERS SUBJECT TO GRIEVANCE PROCEDURE/EXCEPTIONS	37

SECTION 3. GRIEVANCE PROCEDURE.....	37
RULE XIX. PROCEDURE FOR APPEAL FROM DISCIPLINARY ACTIONS AFFECTING PAY	38
SECTION 1. MATTERS WHICH MAY BE APPEALED.....	38
SECTION 2. PRE-ACTION HEARING.....	38
SECTION 3. REVIEW BY CITY MANAGER	38
SECTION 4. APPEAL TO THE CITY MANAGER	38
SECTION 5. HEARING	39
SECTION 6. CITY MANAGER'S DECISION.....	39
SECTION 7. TIME LIMITS	39
RULE XX. REDUCTION IN FORCE.....	40
SECTION 1. PROCEDURE OF NOTIFICATION.....	40
SECTION 2. ORDER OF LAYOFF.....	40
SECTION 3. REEMPLOYMENT	40
RULE XXI. RESIGNATION AND RETIREMENT	40
SECTION 1. RESIGNATION	40
SECTION 2. WITHDRAWAL OF RESIGNATION.....	41
SECTION 3. RETIREMENT	41
SECTION 4. REINSTATEMENT	41
RULE XXII. RECORDS AND TRAINING	41
SECTION 1. EMPLOYEE RECORDS.....	41
SECTION 2. RESPONSIBILITY FOR TRAINING.....	41
SECTION 3. CREDIT FOR TRAINING	42
RULE XXIII. PERFORMANCE RATING.....	42
SECTION 1. PURPOSE.....	42
SECTION 2. APPLICABILITY.....	42
SECTION 3. ADMINISTRATION.....	42
SECTION 4. RATING AUTHORITY	42
SECTION 5. REVIEW AUTHORITY	42
SECTION 6. SPECIAL RATING PERIODS.....	42
SECTION 7. REVIEW/APPEAL PROCESS	42
RULE XXIV. HEADINGS.....	43
RULE XXV. SEVERABILITY	43

RULE I. DEFINITION OF TERMS

The following terms, whenever used in these Rules, shall be defined as follows.

SECTION 1. ALLOCATION

The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

SECTION 2. ANNIVERSARY DATE

The yearly anniversary of the effective date of employment.

SECTION 3. ANNUAL LEAVE

Annual Leave includes all periods of approved absence with pay, which are not chargeable to another category of leave.

SECTION 4. APPOINTMENT

The offer to a person, and the acceptance of a position as authorized by the appointing powers.

SECTION 5. BOARDS

The Personnel Appeals Board and Merit System Board, established as provided in the City Charter, Ordinances, and these Rules and Regulations.

SECTION 6. CLASS

All positions sufficiently similar in duties, authority, and responsibility to permit grouping under common qualifications, compensation and title.

SECTION 7. CLASSIFIED SERVICE

Any position in the City Service covered by these Rules.

SECTION 8. COMPENSATORY TIME

Paid time off given in lieu of overtime payment (money).

SECTION 9. CONFIDENTIAL POSITIONS

Positions in the classified service that are directly involved in and bound to confidentiality as determined by the City Manager.

SECTION 10. DEPARTMENT HEAD

Those officers or employees who are appointed or employed as the principal employee of a department for the discharge of duties provided by law or of particular delegated functions.

SECTION 11. EMPLOYEE

A person employed in a position within the classified service.

SECTION 12. EXAMINATION

A. Open competitive examination.

An examination for a particular position, which is open to all eligible persons meeting the minimum qualifications for the class.

B. Promotional examinations.

An examination for a particular position, admission to the examination being limited to permanent employees in the classified service who meet the minimum qualifications for the class.

SECTION 13. GRIEVANCE

An employee complaint filed in accordance with the grievance procedures established by these rules.

SECTION 14. MERIT INCREASE

A salary increase granted on the basis of meritorious service within the limits of a pay range established for a class.

SECTION 15. ORIGINAL PROBATION

A working test period following initial appointment to a permanent position during which employees are required to demonstrate their capability for the duties to which they are appointed by actual performance of the duties of the position.

SECTION 16. OVERTIME WORK

Those hours of work in excess of scheduled work hours as stated in Rule II, Section 8.

SECTION 17. PART-TIME EMPLOYEE

A permanent employee hired on a basis of less than 40 hours per week.

SECTION 18. PERFORMANCE EVALUATION

The periodic evaluation of an employee's work reflected on forms prescribed by the Personnel Director and approved by the City Manager.

SECTION 19. PERMANENT STATUS

The standing an employee achieves after completion of an original probationary period and having been retained as hereafter provided in these Rules.

Provisional, limited, seasonal and temporary employees shall not be considered permanent employees.

SECTION 20. HUMAN RESOURCES DIRECTOR

The Human Resources Director shall be an employee appointed by the City Manager who is responsible for the administration of the Merit System Personnel Rules and Regulations and maintaining employee records.

SECTION 21. POSITION

An aggregation of tasks and responsibilities requiring the services of one person.

SECTION 22. PROMOTIONAL PROBATION

A working test period following promotion during which employees are required to demonstrate their capabilities for the duties to which they are appointed.

SECTION 23. PUBLIC SAFETY EMPLOYEES

Law Enforcement sworn officers and Fire Department personnel except clerical and support staff.

SECTION 24. REEMPLOYMENT

The appointment of a former permanent status employee who was separated by a reduction in force.

SECTION 25. REGISTER

A file of candidates for a position or class, in final score order, from which hiring lists is prepared.

SECTION 26. RETIREMENT ELIGIBILITY

The status of any employee who meets the minimum requirements as outlined by the Arizona State Retirement System.

SECTION 27. REVERSION

The return of an employee on promotional probation to a position in the class in which the employee held permanent status immediately prior to the promotion.

SECTION 28. SEASONAL EMPLOYEE

An employee hired on a seasonal or intermittent basis, not to exceed 800 hours in a calendar year.

SECTION 29. SICK LEAVE

Time off with pay granted by the City to permanent employees in the event of personal or family illness, as defined in Rule XII. Section 3.

SECTION 30. TEMPORARY EMPLOYEE

An employee hired for a temporary period of time, not to exceed five (5) months in a fiscal year.

SECTION 31. LIMITED EMPLOYEE

An employee hired for a limited period of time into a position, which is funded for at least six months but not more than thirty-six months. A limited status employee shall have no expectation of continued employment with the City of Douglas.

SECTION 32. SEPARATION WITHOUT PREJUDICE

The removal, without appeal rights, of an employee from the City service due to the inability of an employee to return to work at the conclusion of a leave without pay or a leave due to illness or injury.

RULE II. GENERAL PROVISIONS

SECTION 1. EQUAL EMPLOYMENT OPPORTUNITY

The City of Douglas is committed to principles of equal opportunity as defined under federal and state law and does not discriminate on the basis of race, color, creed, disability, national/ethnic origin, age, religion, sex, or disability in its employment practices, programs or operations. (REV. 1/14/04)

SECTION 2. VIOLATION OF RULES

Violation of the provisions of these Rules shall be grounds for rejection of applicant or disciplinary action.

SECTION 3. AMENDMENT AND REVISION OF RULES

Proposed amendments and revisions to these Rules may be suggested to the City Council by the Standing Personnel Committee. The Council may by Ordinance, amend one or more of these Rules as may, from time to time, be necessary. Any major revision of these Rules, which for purpose of this section is defined as a revision of more than one (1) Rule, shall be accomplished by the procedure provided in Article IV, Section (6)(G) of the City Charter. Amendments and revisions to these Rules shall become effective upon adoption of an appropriate Ordinance by the City Council.

SECTION 4. UNCLASSIFIED SERVICE

A. These personnel rules and regulations do not apply to:

1. Elected officials and members of boards and commissions who are not City employees.
2. Independent Contractors providing service to or on behalf of the City pursuant to a contract.
3. City Attorney, City Magistrate and City Physician, if serving as independent contractors and not as salaried employees.

B. Except for Rule III (Conditions of Employment), Rule XII (Attendance and Leave), Rule XIII (holidays), Rule XVI (Benefits) and Rule XXI (Resignation and Retirement), these Personnel Rules do not apply to:

1. City officers appointed by the Mayor with concurrence of the City Council:

- (a) City Manager
- (b) City Attorney if a salaried employee
- (c) City Magistrate if a salaried employee
- (d) City Clerk
- (e) City Treasurer
- (f) City Physician if a salaried employee

2. Department Heads to include:

- (a) Community and Economic Development Director
- (b) Public Works Director/ City Engineer
- (c) Assistant Public Works Director
- (d) Finance Director
- (e) Police Chief
- (f) Fire Chief
- (g) Library Director
- (h) Personnel Director (Human Resources Director)
- (i) Housing Director
- (j) Other department heads
- (k) Deputy City Manager*

* The Deputy City Manager may be an assignment made by the City Manager to any of the department heads listed above.

The city officers and department heads listed in paragraphs B (1) and (2) of this Section are unclassified "at will" employees who are not entitled to the grievance procedures or other provisions of these Personnel Rules and Regulations except as specifically listed in this section, Rule II, Section 4. However, any department head who held that position as of August 23, 1993, when these Rules were first adopted, shall have access to the formal grievance procedures contained herein.

SECTION 5. PERSONNEL APPEALS BOARD

The Personnel Appeals Board will consist of five (5) residents who must be qualified electors of the City of Douglas and are appointed by the Mayor, with the approval of the Council to perform the following:

- A. Hear appeals submitted by employees provided in Rule XIX of these Rules and Regulations.
- B. Hear discrimination charges submitted by employees as

Defined in the City of Douglas Affirmative Action Plan,
Adopted by Mayor and Council, August 13, 1980.

If all parties agree, the Personnel Appeals Board may informally attempt to mediate one or more issues as provided in Rule XIX. If mediation fails or is refused by any party, an informal hearing shall be held without formal courtroom procedures or formal rules of evidence, as set out in Rule XIX.

SECTION 6. MERIT SYSTEM BOARD

The Merit System Board shall consist of five (5) residents who must be qualified electors of the City of Douglas and appointed by the Mayor, with the approval of the Council to perform the following:

The Board will meet annually to review the City's hiring practices and make recommendations to the City Manager whenever necessary to ensure that the City's hiring procedure and practices are fair and nondiscriminatory. To that end, the Board may review statistical data on affirmative action, observe interviews of applicants for positions with the City, and, with City Manager approval, take whatever other action is reasonable and appropriate to monitor the City's hiring procedures, and make recommendations as needed. In addition, at the request of the City Manager, the Board may serve as an advisory appeals board to review complaints about the City's hiring processes.

SECTION 7. OUTSIDE EMPLOYMENT

Outside employment of full-time personnel shall not be permitted except with written concurrence of the Department Head and written permission of the City Manager. Such permission will not be given if it is determined that such outside employment is likely to hamper the employee's ability to do the job required by the City, if it is likely to reflect discredit on the City service or the employee; or if it is in conflict with one's position as a City employee. Requests, approved or denied, shall be made a part of the employee's personnel file. Outside employment requests shall be renewed annually. As a general rule, it is presumed that outside employment in excess of 20 hours per week will hamper an employee's ability to perform. Accordingly, outside employment that will exceed 20 hours per week will be denied unless the Department Head and City Manager grant specific approval in a given situation.

SECTION 8. CITY WORK SCHEDULE

All City employees are required to work 40-hours within a 7-day work period, with the exception of Fire Department shift personnel, who will work a 212-hour 28-day work period. The work period determines the payment of overtime at time and one half. In determining overtime, regularly scheduled holidays will be treated as days worked.

The Manager may allow for flexible scheduling within the 7-day, 40-hour work period.

Any changes in the City work schedule and/or method of over-time compensation will be set by the City Manager in compliance with F.L.S.A. (Fair Labor Standards Act) and appended to these Rules.

SECTION 9. APPOINTMENT TO BOARDS, COMMISSIONS OR COMMITTEES

No City employee shall be appointed to a City Board, Committee or Commission without the approval of the City Manager. The City Manager will insure there is no appearance of impropriety or conflict of interest as a result of a City employee's spouse or family member sitting on a particular Board, Committee, or Commission.

RULE III. CONDITIONS OF EMPLOYMENT

SECTION 1. LOYALTY OATH

All employees are required to sign a loyalty oath at time of employment as required by State Law.

SECTION 2. POLITICAL ACTIVITY PROHIBITED

City employees are prohibited from any political activity that interferes with daily operations during their work shift or the use of any City equipment for political purposes. This includes campaigning in City uniform on the employee's own time.

No employee of the City of Douglas shall be a candidate for nomination or election to a City of Douglas elective office, i.e., Mayor and Council Seats.

No City Officer or Department Head shall be a candidate for nomination or election to any paid elective office. Other City employees shall take a leave of absence in order to run for any paid elective office. The leave of absence shall take effect upon filing of petitions qualifying his/her candidacy and will continue until the election. If employee wins the election, the leave of absence shall convert to a voluntary resignation effective upon certification of election results. Vacation and sick leave will not accrue during the leave of absence. COBRA provisions will be extended for continuation of health benefits.

SECTION 3. SOLICITATION ACTIVITY PROHIBITED

The City of Douglas prohibits solicitation and distribution on its premises by supervisors, non-employees and anyone selling for profit. This includes offering to sell or selling any merchandise or services, or engaging in any other solicitation, distribution, or similar activity on City premises.

No elected or appointed officer or employee of the City shall solicit any contribution in cash or services from any City employee to support any candidate for public office.

SECTION 4. RESIDENCE REQUIREMENT

Unless exempted, all employees of the City are required to establish and maintain their primary legal residence within five (5) miles of the corporate limits of the City within three (3) months after the completion of probation. All must reside within the United States. A written request from an employee to their Department Head for approval of a residence further than five miles from the corporate limits will be considered on the basis of employees' response time from the residence to the job site in an emergency situation. In cases of extreme hardship, the period of establishing residence may be extended by the City Manager. For purposes of this section, "primary legal residence" means the place where an employee actually lives and dwells, with the intent to make it their permanent and primary home.

SECTION 5. POLYGRAPH EXAMINATIONS

Employees who are witnesses to or the subject of an internal investigation and/or the complaint alleges violation(s) of these rules, or criminal laws or involves matters concerning moral turpitude, may be required by the City Manager to submit to a polygraph examination which has narrowly defined parameters (to the extent permitted by State or Federal Law). The City Manager shall not be arbitrary or capricious in the decision and shall not order a polygraph unless authorized by this rule.

A polygraph test shall be required prior to appointment as a Police Department employee.

SECTION 6. PHYSICAL EXAMINATION

After a contingent job offer is made but before final hiring for a permanent or limited position, a physical examination will be required, at the City's expense, at a clinic designated by the City. Drug and alcohol testing will be required for employees as set out in Section 8 of this Rule.

SECTION 7. CITIZENSHIP

All employees and applicants for City employment must be a U.S. Citizen or permanent resident alien. All employees and applicants for law enforcement must be U.S. Citizens. Verification shall be required within three business days of employment.

SECTION 8. DRUG FREE WORKPLACE POLICY

A. Purpose: To establish rules governing the maintenance of a drug-free workplace to (1) ensure the health and safety of city employees, (2) continue the provision of high-quality services to the general public, and (3) comply with federal and state laws and regulations for a uniform, government-wide, drug-free workplace effort;

B. Policy statement: The City follows a zero tolerance policy in maintaining a drug free workplace. Reporting for work under the influence of alcohol or drugs, or any substance which impairs an employee's mental or physical capacity will not be tolerated. The use of illegal drugs or the misuse of legal drugs or alcohol by any employee is expressly prohibited, as is the presence in any employee's system of a prohibited drug or drug metabolite. The possession, sale or distribution of drugs, alcohol, or any illegal substance by an employee during regular working hours while on City business or while on City property is expressly prohibited except as excepted in police department policies and procedures. (rev. 1/14/04)

C. The following definitions apply to the Drug-free Workplace Policy:

1. Alcohol: Ethanol, isopropanol, or methanol.

2. Drugs/Controlled Substances: The terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, drugs and controlled substances include but are not limited to: barbiturates, cocaine, opiates (heroin, codeine), propoxyphene, amphetamines (including methamphetamine), benzodiazepines (valium, librium), methadone, phencyclidine (PCP), methaqualone, and cannabinoids (THC).

3. Reasonable Suspicion: A belief based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of an employee, and reasonable inferences drawn from those observations that suggest an employee is using drugs or alcohol while on the job or is under the influence of drugs or alcohol while on the job.

Reasonable suspicion may arise from, but is not limited to, the following:

- a. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- b. Abnormal conduct, erratic behavior, tardiness;
- c. Physical symptoms (i.e. glassy eyes, slurred speech, unsteady gait, red eyes, running nose);
- d. Smell of alcohol or marijuana;
- e. Deterioration in work performance or physical appearance;
- f. A report of drug or alcohol use on the job or immediately proceeding work, if provided by reliable and credible sources that witnessed the use, and if independently corroborated;
- g. Evidence that an individual has tampered with a drug or alcohol test during his/her employment with the current employer;
- h. Objective evidence of use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on employer premises.

4. Employee: For the purpose of the Drug-Free Workplace Policy, "employee" includes all regular full-time, regular part-time, probationary, limited, temporary, seasonal and contract personnel. "Employee" does not include employees of other agencies who are performing work for the City of Douglas.

5. Safety sensitive work: Work involving the operation of heavy equipment or driving a vehicle for which a Commercial Driver's License (CDL) is required, plus time spent waiting to be called to such work; police, fire and ambulance and other emergency services; life guards; and any other employment which involves the use of dangerous equipment or provision of services directly impacting the public health and safety.

6. Zero Tolerance: Employees in Violation of this policy are subject to dismissal from City service.

(rev. 1/14/04)

D. Over the Counter or Prescribed Medication: Employees taking prescription or over-the-counter non-prescribed drugs or medication which might interfere with the performance of their job duties shall report the usage of the drug or medication to their supervisor before going on duty. Employees taking such drugs or medication are responsible for knowing any side effects of the medication, which might interfere with job performance based upon the prescribing physician's advice or the warning on the medication label.

E. Applicants and Employees Subject to Testing:

1. Pre-Employment Testing for Initial Employment: All applicants being considered for initial paid employment by the City shall be required to submit to, and successfully pass, a drug screen urinalysis after a conditional offer of employment is made by the City. The offer of employment shall be contingent upon a negative drug screening. If an applicant fails to pass the pre-employment drug screening, the applicant will be disqualified from consideration for employment and shall not be eligible to apply for employment with the City for a period of six months from the date at the initial, positive drug test result. (rev. 1/14/04)

An applicant's failure to submit to the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he/she applied.

2. Reasonable Suspicion Testing: If the City has reason to suspect that an employee is violating this policy or when there is reasonable cause to believe an employee is under the influence or is impaired by alcohol and/or drugs, the City may require the employee to submit immediately to medical tests administered for drug or alcohol testing which include the chemical analyses of breath, urine and/or blood. A written record of the

observations and facts leading to the reasonable suspicion test shall be made by the supervisor before the test, or within 24 hours, whichever is earlier. The employee shall not engage in safety sensitive work for eight hours after the observation, unless the employee tests negative for drugs and alcohol in less time. If the test is not administered within two hours following the observation, the supervisor shall document the reasons for the delay. If alcohol test is not administered within eight hours, it will not be given. If drug test is not given within 32 hours, it will not be given.

3. Post-Triggering Incident: Employees involved in the following circumstances shall be required to submit to a drug and/or alcohol test:

- a. Those whose use of City equipment or vehicle results in an accident in which someone is fatally injured.
- b. Those whose use of City equipment or vehicle result in an accident involving tow-away and/or medical assistance or have received a citation from a third party law enforcement official.
- c. Those whose use of City equipment or vehicle results in an accident under circumstances that raise a reasonable suspicion that the driver or operator was under the influence of drugs or alcohol, even if no personal or property injuries resulted, provided that the post-accident alcohol testing must occur within eight hours of the accident, and post-accident drug testing must occur within 32 hours of the accident. In determining whether an accident occurred under circumstances that raise a reasonable suspicion that the driver or operator was under the influence of drugs or alcohol, any doubts shall be resolved in favor of testing.

4. Re-employment or Re-entry in Workforce. Any individual who returns to work after an absence of 90 consecutive days or more shall be required to submit to a drug and alcohol test prior to resuming work. Positive results will be considered in deciding whether the employee shall be permitted to return to work.

5. Follow-up Testing. In the event an employee has been offered a rehabilitation option in lieu of discipline for a positive test result in accordance with Section I of this policy, the employee shall be subject to random drug testing for one year following the completion of a rehabilitation program. If an employee's follow up test results are positive, no further rehabilitation will be attempted and the employee will be subject to disciplinary action, up to and including termination.

F. Policy Violation:

1. Alcohol. An employee who tests positive for alcohol while on City business during the employee's regular working hours or while on City property during the employee's regular working hours shall be in violation of this policy. An alcohol test is considered positive if the alcohol level is .04 or above. (rev. 1/14/04)

a. Employees testing at a .02 alcohol concentration or greater but less than a .04 alcohol concentration will be disciplined, but not terminated, based solely on the test result alone. The employee immediately shall be removed from the work site. The employee may not return to duty within eight (8) hours of the first test unless the employee repeats the breath test and has an alcohol concentration that measures less than .02. The employee shall be placed on paid leave that shall be deducted from annual leave. An employee who does not have sufficient leave will be charged leave without pay. (rev. 1/14/04)

2. Drugs: An employee who tests positive for drugs shall be in violation of this policy.

Effect of Failure to Comply with Policy: An employee who fails to submit to a drug or alcohol test as required by this policy or who violates any aspect of this policy is subject to disciplinary action up to and including dismissal.

H. Employee and Applicant Consent forms: Employees and applicants who are requested to submit to a drug test must agree in writing to allow the results of such test to be disclosed to and used by the City's authorized representatives who have a need to know, as designated in Paragraph K, below. Failure to sign such a consent form shall be considered a refusal to submit to testing.

I. Rehabilitation. (rev. 1/14/04)

1. When an employee self reports a substance abuse problem prior to (1) taking a drug test which results in a confirmed positive or prior to taking an alcohol test with a result greater than .04; or prior to Being notified that the employee has been selected for random testing, Reasonable suspicion testing or post-triggering incident testing; the employee will be allowed to enroll in a drug or alcohol counseling or rehabilitation program for the

purpose of enabling the employee to permanently cease the prohibited conduct. The program must be one approved by the City. Cost of rehabilitation or counseling shall be the responsibility of the employee.

2. An employee who elects to participate in a drug or alcohol counseling or rehabilitation program shall enter into a written agreement to that effect. At the employer's discretion, the employee shall participate in unannounced testing at any time during the period of the employee's participation in the substance abuse treatment program or for a period of 12-months immediately following the commencement of the employee's counseling or rehabilitation program. A confirmed positive drug or alcohol test during the 12-month period shall be grounds for automatic termination.

J. Searches:

The City of Douglas, through its designated managers and supervisors, reserves the right to search all areas and property of which the City maintains complete control or joint control with the employee. An employee's locker, closet, work area, desk, desk files, computer files, city-owned vehicle, and similar areas are subject to inspection for purposes of this policy.

K. Confidentiality:

All investigations, searches, and testing shall be conducted as privately as practical. The results of drug or alcohol screening tests shall not be included in an applicants' or an employee's file but shall be retained by the Personnel Office in a separate medical file. Any conditions of employment, which may be established as a result of the drug test (i.e. a written agreement for rehabilitation in lieu of discipline), will become part of the employee's personnel file.

Except as required by State or federal law, test results and ancillary information may be disclosed to management personnel only on a need-to-know basis or to any person upon the written consent of the employee or applicant. Information normally should be limited to the supervisor, the City Manager, the Personnel Office, and legal counsel. Failure to maintain confidentiality by any employee shall be grounds for discipline.

L. Employee Responsibilities:

1. Pursuant to the Federal Drug-free Workplace Act of 1988, the City of Douglas prohibits the unlawful manufacture, use, possession or distribution of controlled substances in the work place. As a part of this law, employees have the following responsibilities:

- a. To abide by the terms of the City drug-free workplace policy; and
- b. To notify their supervisor or department head of any criminal drug statute arrest for a violation occurring in the workplace no later than five days after such arrest.
- c. To notify their supervisor or department head of any criminal drug statute conviction no later than five days after such conviction.
- d. To notify their supervisor or department head of any arrest involving driving under the influence of drugs or alcohol (DUI) no later than five days after such arrest.

2. It is each employee's responsibility to immediately report to the supervisor, department head or Personnel office, any unsafe working conditions or hazardous activities that may jeopardize the safety of employees. This includes the duty to immediately report any violations of the drug and alcohol policy. An employee who fails to report such a violation is subject to disciplinary action up to and including dismissal.

3. All employees will be required, as a condition at employment, to sign a statement that the employee has:

- a. Received a copy of the City's Drug-free Workplace Policy;
- b. Agreed to abide by the terms of the policy;
- c. Agreed to notify the supervisor or appropriate representative of the City within five days, of a criminal drug statute arrest for a violation occurring within the workplace and for a criminal drug statute conviction.

M. Management Responsibilities:

1. Management personnel shall be responsible for the implementation and consistent enforcement of this policy, together with the Personnel officer or designee. Management personnel who fail to enforce this policy are subject to disciplinary action up to and including dismissal.

2. Supervisors will be trained in the early detection of impairment by alcohol, drugs, and substance abuse. Supervisors must document, in writing, the facts constituting reasonable cause for drug and/or alcohol testing or for violation of this policy.

3. Management must inform any employee being required to submit to drug or alcohol testing of the requirements of this policy and the consequences of non-compliance.

N. Drug and alcohol Testing Methodology:

Every reasonable effort will be made to obtain the most accurate drug or alcohol test results. Testing procedures will include a two-tiered testing program to ensure maximum accuracy in the test results, observations of specimen collection and chain-of-custody documentation. A two-tiered procedure means that an initial positive test will be confirmed by the use of a gas chromatography test with mass spectrometry (GC/MC) or an equivalent scientifically accepted method, which provides quantitative data about the detected drug.

Employees shall be provided an Official Notice of Procedures for Split Specimen Testing at the time of the drug screen. This written notice will inform employees that following a positive screen from the initial test and a positive screen from the confirmation test, a portion of the specimen sufficient for testing from a positive sample may be transferred directly from the testing laboratory to another independent certified laboratory and tested at the employee's own expense. The laboratory selected must be certified by the Substance Abuse Mental Health Services Administration (SAMHSA). (rev. 1/14/04)

The Official Notice of Procedures for Split Specimen Testing shall also inform an employee that the initiation of a transfer must Occur within 72 hours of the employee's notification of the positive screen. An employee, upon request, may obtain his/her written test results.

O. Procedures:

Procedures to be followed by management for the enforcement of this policy are available for review at the personnel office or in department with the department head. A description of the testing methods and collection procedures is available for review in the Personnel Office.

P. Commercial Driver's License Holders:

Beginning on January 1, 1996, all employees required as condition of their City employment to have a valid Commercial Driver's License (CDL) shall comply with the United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) rules for drug and alcohol testing of commercial motor vehicle drivers and all drivers with a CDL. The USDOT and FHWA are treating these rules as an extension of the Omnibus Transportation Employee Testing Act of 1991. The federal rules, which are set out in 49 CFR parts 40 and 382, as they may be amended from time to time, are adopted by reference as part of this policy, with respect to employees performing safety sensitive functions as defined by federal regulation and this policy.

The federal rules require pre-employment, post-accident, reasonable suspicion, random testing and follow up testing for alcohol and drugs through the use of breathalyzers and urine samples. Procedures and rules for testing of CDL holders will be available in the Personnel Office beginning January 1, 1996.

Q. Police, Fire, and Other Employees in Safety Sensitive Jobs:

In addition to the testing required by this policy, the police department, fire department and other departments whose employees perform safety sensitive jobs may, by written policy, establish stricter testing requirements than that set out in this policy, including, but not limited to, non-discriminatory random testing, requirements for drug testing upon promotion, requirement for testing upon reports from a reliable informant that an employee performing a safety sensitive job has violated this policy, even if the report is not independently corroborated, and, for police personnel, requirement for testing upon transfer to or from a narcotic or drug related assignment.

SECTION 9. PRIOR EMPLOYEES

Employees, dismissed for cause or who resign in lieu of termination, will not be considered for re-hire for a period of 10 years after leaving City employment unless earlier rehiring is expressly allowed on a case-by-case by the City Manager with the Department Head's approval.

Employees who do not submit a Notice of Resignation as required by these Rules, unless shorter notice is approved by appropriate Department Head, will not be considered for future employment with the City for a period of 10 years after leaving City employment unless earlier rehiring is expressly allowed on a case-by-case by the City Manager with the Department Head's approval.

SECTION 10. EMPLOYMENT COMMITMENT FOR TRAINING

The Mayor and Council may, by policy directive, require employees or prospective employees to execute a Service Commitment Agreement if the City pays the cost of providing training or education to the employee or prospective employee. Such an Agreement would require the employee or prospective employee to commit to a minimum period of employment with the City and would require repayment of the training and education costs should the employee or prospective employee fail to successfully complete the training or fail to successfully complete employment for the minimum commitment period. Any policy directive regarding Service Commitment Agreements shall be appended to these Rules.

SECTION 11 EMPLOYEE-LABOR RELATIONS:

Eligible employees may choose to be represented by a recognized public employee organization under the authority and in accordance with the City Code and applicable federal and state laws.

Supervisors shall be ineligible for membership in employee organizations. For purposes of this rule, the term "supervisor" shall be defined as any employee having authority, on a permanent basis, in the interest of the City of Douglas, to recommend hire, transfer, suspension, lay-off, promotion, termination, or discipline of other employees, or be responsible to direct them, or to adjust their grievances, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Any job classified as "supervisory," shall have the designation included on the official City job description. This shall include any long-term (more than four months) out-of-class assignment. (rev. 1/14/04)

RULE IV. RECRUITMENT

SECTION 1. FILLING OF VACANCIES

All vacancies in, in permanent and limited positions shall be filled through open competitive recruitment, except as otherwise provided in these Rules.

SECTION 2. NOTICE

A. Internal Notice: Open competitive vacancies for non-supervisory positions shall be announced internally within the City for five (5) working days before the vacancies are opened for outside competition. Notice shall be given by posting the job announcements on official City bulletin boards and as otherwise deemed appropriate by the Personnel Director. Permanent employees may compete for internal hiring and selection will be made in accordance with the selection criteria set out in Rule V of these Rules and Regulations. This same notice shall be given for supervisory positions when they are advertised internally.

B. Public Notice: At the close of the internal posting period for non-supervisory positions, if a suitable hiring list of three or more candidates has not been certified, the Human Resources Director may announce the position for not less than five (5) working days prior to closing, with an opening and closing date publicly. Supervisory positions may be announced publicly for not less than five (5) working days without having to be announced internally first. City employees applying for a position that has been announced publicly will compete with outside applicants with five bonus points added to their overall score pursuant to Rule V of these Personnel Rules and Regulations. Public notice shall consist of posting job announcements on official bulletin boards or as otherwise deemed appropriate by the Personnel Director.

SECTION 3. CONTENT OF ANNOUNCEMENT

The announcement shall specify the title and pay range of the class for which the examination is announced; the essential functions of the job or where this information may be obtained; minimum qualifications; any special qualifications; the manner of making application and any other pertinent information.

SECTION 4. APPLICATION FORMS

Application shall be made as prescribed on the position announcements. Application forms shall require information covering training experience and other pertinent information, and may include certificates of one or more examining physicians, references, and fingerprinting. The person applying for a position must sign all applications that are submitted for employment consideration.

SECTION 5. DISQUALIFICATION

The Personnel Director may reject any application, which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications shall be rejected if the applicant has been convicted of a crime involving moral turpitude; has made any false statement of any material fact or practiced any deception or fraud in the candidates application or in the interview process. When an application is rejected, the Human Resources Director shall mail notice of such rejection with statement of reason to the applicant.

SECTION 6. HIRING OF RELATIVE-NEPOTISM

The City shall not permit permanent employees related within the third degree of consanguinity (blood) or affinity (marriage) to work within the city service where one employee exerts operational or supervisory control, or working in the same class within the same division, over the other employee. Spouses are subject to the same conditions as are unmarried couples that live together as though married. Should a marriage or equivalent partnership arrangement between employees result in one having operational or supervisory control over the other, intradepartmental or interdepartmental transfers must be made to the same or lower classification. If a transfer cannot be accomplished, one party must resign from the City service.

For the purpose of this Rule, persons related within the third degree shall include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, first cousin, niece, or nephew who are related to the employee by marriage or blood.

No provisions of this rule shall exclude relatives of City Council or City appointed boards, commissions or committees, as herein defined, from entering the City service.

RULE V. SELECTION OF EMPLOYEES

SECTION 1. MINIMUM QUALIFICATIONS

The Personnel Director shall screen applications for minimum qualifications as established for each classification. Only those applicants meeting the minimum qualifications will be considered for employment.

SECTION 2. INTERVIEWS:

The Human Resources Director will rank applicants meeting the minimum qualifications according to training and experience with input as needed from department heads or others. An interviewing panel picked by the Department Head and Human Resources Director with City Manager approval will interview the top ranking applicants. Reasonable and appropriate testing may be administered to ascertain the skills and knowledge of applicants for the position. A Subject Matter Expert may be utilized to provide technical input during the interview process for a specific position.

SECTION 3. SELECTION CRITERIA

A. Ranking system applicable to internal and outside competitions.

All applicants who meet the minimum qualifications will be ranked and selected through the use of a scoring system worth up to 100 points which will be awarded to an applicant based on the following criteria:

Category:

Total points possible:

Knowledge, Skills and Abilities to perform the required work:

80 points

Relevant Education and Training:	10 points
Relevant Work Experience:	10 points
Total possible points:	100

B. Additional points allowable in internal competitions:

In internal competitions, where only permanent City employees have submitted applications, the applicant with the most years of City service will receive two (2) bonus points while the employee with the most years of service in the division (or if there is no division, in the department) in which the vacancy exists will receive three (3) bonus points. Furthermore, up to 10 points may be added or subtracted based on an employee's prior work record with the City.

C. Additional points allowable in outside competitions.

Where a position has been opened for outside competition, all permanent City employees competing for the position will be awarded five bonus points.

D. Departmental Use of Other Selection Criteria.

A department may establish written selection criteria which are more specific or detailed than those contained in this Section. Those criteria may be used by the department in selecting employees if the criteria are substantially equal to the Selection Criteria contained in these Rules and if the criteria have been approved in advance by the Department Head, Personnel Director and City Manager.

SECTION 4. REGISTER

The Personnel Director shall establish a register in the order of the final scores of the candidates as determined by the interviews, examinations, references and other appropriate information.

SECTION 5. CERTIFICATION

From an established register the Human Resources Director will certify a hiring list. The Personnel Director will submit the hiring list of candidates to the appropriate Department Head to be considered for employment. For a single vacancy the Personnel Director shall send the names of the top score group (provided those candidates in the top score group all have the same score and are at least three individuals); or the three (3) candidates with the highest final ratings. For multiple vacancies, the Personnel Director shall refer one additional name for each additional vacancy. The Personnel Director shall also certify names of all qualified applicants for re-employment.

SECTION 6. SELECTION

After coordinating the testing, interviews and checking of references with the Personnel Director, the Department Head shall furnish the Personnel Director, in writing, a recommendation for employment to include any recommendations for placing remaining applicants on an Eligibility List. All documents will be returned to the Personnel Director, who will advise the City Manager of the recommended employment of the selected applicant and City Manager will either approve or disapprove the recommendation.

The above applies to all potential employees except those mentioned in Rule II, Section 4.

SECTION 7. PREFERENCE FOR LIMITED EMPLOYEES

When the Mayor and Council determine that a position held by a limited employee should become permanent, the position shall be opened internally pursuant to Rule IV of these Rules. If no qualified permanent City employee applies for the position through the internal hiring process, the limited employee holding the position may be hired for the permanent position without going through the competitive selection process set out in this Rule, provided the following conditions are met: (1) the employee was selected for the limited position through a competitive process; (2) the employee has held the limited position at least six months; (3) the employee has met or exceeded job expectations for the limited position; and (4) the City Manager approves the employee's immediate hiring for the permanent position.

RULE VI. EMPLOYMENT LISTS

SECTION 1. REGISTERS

Permanent employment registers will be established and maintained by the Personnel Director based on the determination by the Personnel Director that the applicant has met the minimum requirements for a position based on the employment application plus the results of any testing and interviews. The Human Resources Director based on evaluations of applicant training and experience will establish registers for temporary and seasonal positions.

Related registers: If a vacancy occurs in a class for which there is no register, the Human Resources Director may prepare a register for the class from one or more existing related registers, upon approval of the City Manager.

Duration of Registers: Employment registers for all Departments except Police and Fire will remain active for seven (7) months. On approval of the City Manager, a Department Head may extend the Register for five (5) additional months.

Registers for the Police and Fire Departments will remain in effect for thirteen (13) months. On approval of the City Manager, the Department Head may extend the Eligibility List for five (5) additional months.

SECTION 2. ELIGIBILITY LISTS

The Human Resources Director shall prepare and keep available an eligibility list at the request of the appropriate department head consisting of the names of candidates who have been interviewed for a particular position. Upon additional vacancies for that or a closely related position, these candidates may be considered for direct hire without being re-interviewed.

Duration of eligibility lists: An eligibility list will remain active for 90 days from the date filed with the Human Resources Director.

SECTION 3. REMOVAL OF NAMES FROM LIST

The name of any person appearing on any type of employment list shall be removed by the Human Resources Director upon the written request by the eligible person, or if the eligible person fails to respond to notice by regular first class mail, to the last known address. The names of persons on any type of employment lists who resign from City service shall automatically be dropped from such lists.

RULE VII. EXAMINATION

SECTION 1. NATURE AND TYPES OF EXAMINATION

The selection techniques used in the examination process shall be impartial, of a practical nature, and shall relate to those subjects which, in the opinion of the Human Resources Director, and City Manager, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates; such as, but not necessarily limited to, training and experience evaluations, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work records, medical tests, or any combination of these or other tests.

SECTION 2. REVIEW OF EXAMINATION PAPERS

All candidates shall have the right to inspect their own examination papers within five (5) working days after receipt of examination results. Error in computation, if called to the attention of the Human Resources Director within this period, shall be corrected.

RULE VIII. APPOINTMENT

SECTION 1. TYPES OF APPOINTMENTS

Unless otherwise provided for in these Rules, or upon City Manager approval, all vacancies in the classified service shall be filled competitively.

SECTION 2. ORIGINAL PROBATIONARY APPOINTMENT

Original Probation appointments are made to permanent positions only. Permanent positions may be allocated to full-time or part-time status.

SECTION 3. CONFIDENTIAL APPOINTMENT

An employee who is appointed to a confidential position, as defined by these Rules, including, but not limited to, Police Secretary, Secretary to City Manager/City Council, Information Processing Clerk, Human Resources Director Secretary or Staff, shall be treated as a supervisory employee for purposes of labor relations matters and union membership.

SECTION 4. PROVISIONAL APPOINTMENT

In the absence of there being an individual on appropriate employment lists who is willing to accept appointment, a provisional appointment may be made by the City Manager of a person meeting the minimum training and experience qualifications for the position. A provisional appointment will remain in effect only until an actual competitive appointment is made, but not to exceed five (5) months. The provisional employee will be permitted to apply for the position and undergo the competitive process.

SECTION 5. TEMPORARY APPOINTMENT

A temporary appointment shall be made from a register or by verification of minimum qualifications in the absence of a register.

SECTION 6. SEASONAL APPOINTMENT

A seasonal appointment shall be made from a register or by verification of minimum qualifications in the absence of a register.

A person who receives a seasonal appointment from a register is eligible for successive seasonal appointments to the same class without employment reexamination or employment re-certification.

Seasonal employees are limited to a maximum of 800 hours of employment per calendar year.

SECTION 7. LATERAL ENTRY

Where Police Officers who are previously certified by the State are needed to fill a vacancy in the Police Department, such persons may be laterally inserted from an Eligibility List of Patrol Officers who qualify for lateral entry. The Chief of Police may, with approval of the City Manager, exercise this option when the patrol strength exceeds 5 or more probationary officers.

SECTION 8. LIMITED APPOINTMENT

A limited appointment shall be made from a register or by verification of minimum qualifications in the absence of a register.

SECTION 9. UNDERFILL APPOINTMENT

The appointment of a person to a class with a pay range that is lower than the pay range for the allocated range for that position. (Rev. 1/14/03)

RULE IX. CHANGES IN ASSIGNMENT

SECTION 1. SALARIES FOR CHANGES IN ASSIGNMENT

Salaries paid for changes in assignment will be handled in accordance with Rule XIV of these Rules.

SECTION 2. PROMOTION

Promotional opportunities for non-supervisory positions will be open to permanent employees in the City Service who have achieved permanent status and who meet the minimum qualifications for the open position. Promotional announcements shall be posted in accordance with Rule IV, Section 2, for a minimum of five (5) working days. If there are no qualified applicants, as determined by the Personnel Director and Department Head, recruitment will be made public for outside applicants in accordance with Rule IV, section 2. In determining promotions or internal hiring, the City shall follow the procedures and criteria set out in Rule V of these Personnel Rules.

SECTION 3. TRANSFER

An employee may be transferred non-competitively from one position in the City service to another position at the same pay range. A transferred employee must meet the minimum qualifications for the class to which transferred.

Approval of Transfer: All transfers shall require the approval of the City Manager and the Department Head(s) concerned.

Request for Transfer: The employee affected shall be given advance notice of their transfer. The physical transfer of an employee shall not be made until the City Manager has approved the transfer papers. No grievances are authorized as a result of transfer.

SECTION 4. OUT OF CLASS ASSIGNMENT

A Department Head may assign a permanent status employee additional duties to the employees' current position, or to another classified position altogether, in the same or another class within the City service as provided below:

- a. If there is an absence of staff in excess of two (2) weeks but less than four (4) months as a result of vacancy, leave, illness, or leave of absence, the assignment may be made non-competitively.
- b. If the assignment is for more than four months, the assignment shall be made competitively in accordance with these Rules.
- c. The out of class assignment shall not exceed one year unless extended by the City Manager.
- d. An employee shall have the right to return to the position from which assigned at the conclusion of the out of class assignment.
- e. An employee appointed to acting duties in another classification under this section, may be relieved of duties by the Department Head with City Manager approval. There shall be no grievance available when an employee is relieved from an acting classification.

SECTION 5. ON-CALL DUTY

Some departments within the City may request employees to be placed on an on-call status to respond to an emergency. Some departments may require employees to be placed on an on-call status if required as part of the classification job description. An employee who signs up for on-call duty and is called to work between his or her regular shift will be paid at his or her applicable rate of pay for two hours or actual time worked, whichever is greater.

Department Heads will insure on-call rosters are posted in sufficient time to allow an employee to make arrangements to be available for duty without restricting their movements. Except in case of an emergency, one-month notice is preferred.

When placed on on-call status, employees must carry a pager or beeper to which they must respond when summoned. The employee may move about within the range of the pager. On-call employees must be mentally and physically able to respond to the page or summons within 30 minutes or less, and to take effective action upon responding. On-call time will become working time when the page or summons is received and the employee begins the response.

SECTION 6. VOLUNTARY DECREASE

An employee may request a permanent change in assignment to a position in a lower pay range, provided the employee meets the minimum qualifications for the class of the position. Such request, if approved, may not be grieved.

An employee who is on original probation when the request for a voluntary grade decrease is approved shall serve a complete original probation in the new position.

RULE X. PROBATION

SECTION 1. TYPES OF PROBATION

The only types of probation allowed in the City service are original probation and promotional probation.

SECTION 2. ORIGINAL PROBATION

All original appointments to permanent classified positions shall serve a probationary period of six (6) months with the following exceptions:

Fire Fighters - twelve (12) months and must become EMT certified during the probationary period.

Police Officers - six months for attendance at academy, if attending while a City employee, plus, for all new police officers, including those who have already completed the academy, (12) months after commencing employment as a certified police officer.

Management/Supervisory personnel as determined by the City Manager (including Department Heads) - twelve (12) months.

All employees, except administrative personnel, hired into the Water and Sewer Department will remain on probation until they have received their first Certification, Grade 1, as certified by the Arizona Department of Health Services. Employees failing to receive Grade 1 Certification within 12 months from date of employment will be terminated for failing to successfully complete probation.

Employees who fail to successfully complete original probation shall be dismissed from City employment without recourse to the grievance procedures set out in Rule XVIII.

SECTION 3. PROMOTIONAL PROBATION

All promotions will be subject to six (6) months probation with the following exceptions:

Public Safety employees - twelve (12) months probation.

Management/Supervisory personnel as determined by the City Manager (including Department Heads) – Twelve (12) months.

An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the class in which permanent status was held immediately prior to the promotion ("the original class"), or, if no such vacancy exists, to a vacancy in the next lower class ("the lower class"), providing the employee meets the minimum qualifications for the lower class position, without the right to file a grievance. If no such vacancy exists in the original or lower class, the rules governing reduction in force shall apply. If a lack of vacancies in the original class requires the employee to take a position in a lower class, the employee shall receive the salary he or she would have received if employed in the original class until a position in the original class is offered to the employee or, if no position is offered, for a maximum period of two years. The employee shall be offered any position that become available in the original class during the two-year period, providing the employee meets the minimum qualifications for that position. At the end of the two year period, or upon the employee's refusal to accept an offered position in the original class, the employee's salary will be modified to meet the highest level allowed for an employee in the lower class with similar knowledge, skills, abilities and length of service within the City.

SECTION 4. EXTENSION OF PROBATION

A Department head may recommend extension of a probationary period to the City Manager. The City Manager may approve extending a probationary period for up to one year beyond the normal probationary period.

SECTION 5. OBJECTIVE OF PROBATIONARY PERIOD

The probationary period shall be regarded as a part of the testing certification process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of an employee to the position.

SECTION 6. COMPLETION OF PROBATION

The Department Head shall evaluate a probationary employee and submit a report to the Personnel Director at least 15 days prior to the expiration of the employee's probationary period unless the Department Head supplies justification for a period of time less than 15 days. If justification is not submitted prior to the expiration of the employee's probationary period, the probationary period of the employee will automatically be extended for 30 calendar days. If no action has been taken by the Department Head by the end of the extended 30-day period, the employee shall be awarded permanent status.

SECTION 7. REEMPLOYMENT

The City Manager may require a former employee who is reemployed to complete an original probation.

RULE XI. CLASSIFICATION

SECTION 1. PREPARATION OF PLAN

The City Manager shall ascertain and record the duties and responsibilities of all positions in the classified service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the classified service defined by class specification including job titles. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation and hours may be made to apply with equity under like working conditions to all positions in the same class.

SECTION 2. ADOPTION, AMENDMENT AND REVISION OF PLAN

The classification plan shall be adopted and may be amended from time to time by the City Council. At the time consideration, any interested party may appear to be heard. Amendments and revisions of the plan may be suggested by any Department Head or by any employee through their Department Head and shall be submitted to the City Manager through the Personnel Director. If it is determined that a revision is warranted and justified based on a job audit, the City Manager and the Personnel Director will submit a recommendation for change to the City Council.

SECTION 3. ABOLITION OF POSITION

Whenever, in the judgment of the City Council, it becomes necessary, the City Council may abolish any position in the City work force, which is not established by Arizona Law, or Douglas City Charter.

Reduction in force rules shall be effected in the manner set forth by these Rules.

SECTION 4. ALLOCATION OF POSITIONS

Following the adoption of the classification plan, the City Manager shall allocate every position in the classified service to one of the classes established by the plan.

SECTION 5. NEW POSITIONS

When new positions are created, the classification plan shall be amended to provide therefore, as recommended by the City Manager and approved by the Mayor and Council. An appropriate employment list shall be established for such position(s).

SECTION 6. RECLASSIFICATION

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the City Manager to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

SECTION 7. TITLE OF POSITION

The official title of a position adopted by the City Council, and not a functional title, is the official class title in all-official records.

RULE XII. ATTENDANCE AND LEAVES

SECTION 1. ATTENDANCE

Employees shall be in attendance at their work in accordance with the Rules regarding hours of work, holidays, and leaves. All Departments shall keep daily attendance records of employees, which shall be reported to the Payroll Department as scheduled.

SECTION 2. ANNUAL LEAVE

A. Employees Entitled to Annual Leave. All City Service employees shall be entitled to accrue annual leave with pay except provisional, temporary, seasonal, limited or volunteer employees. Notwithstanding the foregoing, grant funded limited positions are eligible for all leaves provided that the grant is able to fund the leave. The grant-funded employee will have no expectation of continued employment with the City of Douglas.

B. Limits on Taking Annual Leave.

1. No employee is allowed to take annual leave for more than twenty (20) consecutive work days, (six shifts for fire department shift personnel), unless such leave has been approved in advance by the Department Head and City Manager.

2. In the absence of an emergency, employees shall submit requests for annual leave to their supervisors far enough in advance to allow the supervisor to schedule around the time off in order to meet the City's needs.

C. Charging Annual Leave.

1. In the event one or more municipal holidays fall within an annual vacation, such holidays and regular days off will not be charged as vacation leave.

2. Employees will be charged annual leave on an hour for hour basis for those hours that they were scheduled to work but elected to take leave. (For example, an employee assigned to work a 10 hour/4-day week will use leave at the rate of 10 hours per day of leave taken.)

D. Accruing and Taking Annual Leave.

1. Annual leave will be earned from date of hire but will not vest and may not be taken until the employee has been employed with the City for a period of at least 180 calendar days.

2. For regular status employees, a maximum of 240 hours of annual leave may be carried over from one calendar year to the next. Annual leave accrued and vested in excess of these hours shall be forfeited. (For Fire department shift personnel, a maximum of 336 hours may be accrued and carried over.)

3. Upon leaving City Service employees will be compensated for any accrued and vested annual leave up to 240 hours (336 hours for fire department shift personnel).

4. Annual leave will accrue as follows, based on a 40-hour week:

0-4 years:	3.0770	hours per pay period
5-9 years:	4.6154	hours per pay period
10-17 years:	6.1539	hours per pay period
Over 18 years:	7.6924	hours per pay period

5. Annual leave will accrue as follows for Fire Department Shift Personnel, based on working a 212-hour/28 day pay period:

0-4 years:	4.0770	hours per payday
5-9 years:	6.1154	hours per payday
10-17 years:	8.1539	hours per payday
Over 18 year:	10.1924	hours per payday

6. Part-time employees who work one-quarter time, one-half time, or three-quarters time will accrue a proportional amount of annual leave. Part-time employees who work a percentage of full-time other

that one-quarter time, one-half time, or three-quarters time will accrue annual leave at the next lower rate.

7. Annual leave does not accrue or vest during any leave without pay.

SECTION 3. SICK LEAVE

A. Employees Entitled to Sick Leave

All City employees shall be entitled to accrue sick leave except provisional, temporary, seasonal or volunteer employees.

B. Accruing Sick Leave.

1. Full-time employees (except Fire Department shift personnel): Sick leave shall be accrued at the rate of 3.7 pay period. At the end of each calendar year, those unused hours will be credited to the employee until a maximum of 480 hours have been accumulated.

2. Fire Department Shift personnel shall accrue sick leave at the rate of 24 hours per month. At the end of each calendar year, those unused hours will be credited to the employee until a maximum of 648 hours have been accumulated.

3. Part-time employees: Sick leave shall be accrued at a proportional amount based on one-quarter time, one-half time, or three-quarters time worked.

4. Sick leave will not accrue or vest during any absence without pay.

5. Sick leave shall begin to accrue immediately upon employment with the City; however, new employees shall not be entitled to take sick leave during the first thirty- (30) working days of their original probationary period.

C. Taking Sick Leave.

1. Accrued sick leave may be used for sickness in immediate family. Immediate family shall be construed to mean a husband or wife, son, daughter, parent, grandparent, or other person with whom the employee has a similarly close relationship where the employee has assumed the duty of providing care to that person. The use of sick leave because of the illness of any other family members will be at the discretion of the City Manager.

2. Sick leave will not be deducted for a scheduled holiday, which occurs during the time an employee is absent due to sickness.

D. Compensation for Sick Leave.

1. Upon retirement, permanent City employees will be compensated for the unused sick leave at their regular hourly rate. Limited employees will not be compensated for accrued sick leave.

2. Upon termination of employment from the City for a reason other than retirement, employee shall be compensated 50% of the accumulated sick leave on a monthly salary basis figured at 30.5 days per month. Limited employees will not be compensated for accrued sick leave.

3. After employees of the City of Douglas have accumulated 480 hours (648 hours for Fire department shift personnel and after five years of service during which no sick leave has ever been used) of sick leave, said employees shall be granted additional pay on the following basis:

When employees have accumulated twelve (12) days or shifts of sick leave (figured at 8 hours/day for 40- hour employees and at 10.6 hours/ shift for Fire Dept. shift personnel) during the calendar year, they shall receive additional pay, at straight time, for five (5) days or shifts or an equivalent of one week's pay. For each day or shift less than twelve (12) accumulated during the calendar year, said employee shall lose one gratuitous day or shift of sick leave. Those employees accumulating seven (7) or less days or shifts during the calendar year shall not receive any gratuitous days. All employees requesting pay for gratuitous days or shifts shall receive payment within thirty- (30) days from the end of the calendar year.

E. Medical Release/Verification of Illness

City employees incapacitated three (3) or more days, as a result of disease, illness or injury on or off the job, or who require medical attention which includes minor or major surgery, will not be permitted to return to work without a written release from the attending physician, stating employee is released to full duty in his/her job classification. Department Heads may request verification of any illness.

SECTION 4. DONATION OF LEAVE:

Definitions:

Immediate family means the employee's spouse and child, whether natural, adopted, foster child or step child.

Extended means a period of three or more weeks of illness or injury, which is verified by a licensed health care practitioner.

Eligibility: Annual leave or Sick leave may be donated by one employee to another employee in the City Service provided the following conditions are satisfied:

- a. The recipient of the donated leave is away from work due to a non-job-related, seriously incapacitating and extended illness or injury; pregnancy or childbirth, adoption or placement of a child; or a member of the immediate family of the recipient of the donated leave has a seriously incapacitating and extended illness or injury; and,
- b. The recipient of leave for a qualifying illness or injury has exhausted all annual and sick leave and has been granted permanent status after completing original probation.
- c. All unused leave donated to the recipient is returned to the leave contributors if the leave recipient separates from City Service or recovers, prior to using all donated leave, or the need for the leave is otherwise abated.

Donation: Donation of leave will be made on an hour per hour basis. Donation of leave will be coordinated and approved through the Personnel and Payroll Office.

SECTION 5. ADMINISTRATIVE LEAVE:

The City Manager may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Mayor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment. The City Manager may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

SECTION 6. BEREAVEMENT LEAVE:

In case of a death in the family, each City employee shall receive a three (3) day absence with full pay (One shift for Fire Department shift personnel). Two additional days (One additional shift for Fire Department shift personnel) may be granted upon written approval of the Manager depending on the distance to be traveled and/or responsibility to be handled by the employee. Family shall be construed to mean husband or wife, mother or father, grandfather, grandmother, son, daughter, son-in-law, daughter-in-law, sister, brother, of the employee or spouse. In addition, bereavement leave may be granted, with City Manager approval, upon the death of a person other than one listed herein, if the employee can demonstrate that he or she had a similarly close relationship with that deceased person. Absences allowed in the case of death shall not be included in sick leave for personal and family illness.

SECTION 7. MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of State Law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulations, to determine when such leave shall be taken. Employees will furnish Supervisor with active duty orders prior to effective date of military training.

Permanent employees called to active duty within the U.S. armed forces may request and receive full payment

of earned, unused sick leave, at current pay rates at the discretion of the City Manager.

SECTION 8. LEAVE WITHOUT PAY

The City Manager may grant a permanent employee a leave of absence without pay for a period of three (3) months and based on need, not to exceed six (6) months. No such leave shall be granted except upon written request of the employee setting forth the reason for the request, and the approval or denial will be in writing. Upon expiration of an approved leave of absence, if the employee does not return to duty, failure to return may be cause for separation without prejudice pursuant to rule XXI. All leaves of absence will be considered on an individual basis. If leave requests are found to be detrimental to the performance of City service this may be used as a factor in declining the request. Vacation and sick leave will not be accrued during leave of absence. Except for Family Leave and military leave, leave without pay shall not be granted until all accrued annual leave, compensatory leave, and, if the leave without pay is for medical reasons, sick leave is exhausted.

SECTION 9. LEAVE DUE TO ILLNESS OR INJURY:

Leave resulting from illness or injury will follow the return to work procedures outlined below:

A) Non Job-Related Illness or Injury

If an employee is required to be away from work for a period of four weeks or more, the employee retains the right to return to his/her position (unless terminated for unrelated reasons or permanently disabled) provided the employee's illness or injury does not require the employee to be absent more than 180 days. If after this period the employee is unable to return to work, the employee shall be separated without prejudice unless a Leave of Absence is granted under Rule XII, Section 8. In considering a request for a Leave of Absence, the City Manager shall take into account the medical prognosis for the employee's return to work and the affected department's justification for awaiting the employee's return. An employee separated without prejudice pursuant to this section shall have the reemployment rights stated in Rule XII, Section 1, paragraph 2.

B) Job - Related Illness or Injury

During the first 180 days the employee covered by worker's compensation retains the right to return to his/her previous position if within this time period one of the following occurs:

- 1.) A physician's prognosis is obtained indicating an approximate return to work date that does not go beyond the 180 days.
- 2.) A physician's prognosis is obtained indicating an approximate return to work date that exceeds the 180 day period and the affected department determines that it is possible to wait that period of time based on staffing availability and/or other justified reasons. The Manager must approve the department's justification.

The employee if unable to return to work under these conditions may still maintain reemployment rights as stated in Rule XXI, Section 1, paragraph 2.

Failure to return to work as described above may be cause for separation without prejudice from the city.

Vacation and sick leave will not be accrued during leave without pay. Except for Family Leave, Military Leave, and Industrial Leave, leave without pay shall not be granted until all accrued annual leave, compensatory leave, and sick leave (if the leave without pay is for medical reason) is exhausted.

SECTION 10 JURY LEAVE & SUBPOENA LEAVE

All classified employees of the City who are called or required to serve as a trial juror shall be entitled to be exempt from their duties with the City during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, the employee shall turn over to the City any payment received from the court for such duty, except travel and meal pay.

All classified employees of the City shall be entitled to be exempt from their duties with the City when required to appear in court as a witness under a subpoena. Under such circumstances, the employee shall turn over to the City any payment received for subpoena leave, except travel and meal pay.

SECTION 11. FAMILY AND MEDICAL LEAVE:

Family and Medical Leave is any combination of annual leave, sick leave, compensatory leave, or leave without pay taken by an eligible employee for the birth of a child, and to care for such child; for the placement of a child for adoption or foster care; to care for the employee's seriously-ill spouse, child, or parent; and because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position.

Family and Medical Leave shall be administered in accordance with the Family and Medical Leave Act of 1993, coordinated by the Personnel Director and approved by the City Manager.

All requests for Family and Medical Leave shall be directed to the City Manager through the Personnel Director after receiving the appropriate Department Head's concurrence.

ELIGIBILITY: An eligible employee is defined as one who has worked for the City Service in a permanent position for:

- 1) At least 12 months; and,
- 2) At least 1,250 hours during the year preceding the start of leave.

DURATION: An eligible employee is entitled to take up to twelve weeks of Family and Medical Leave in any twelve month period measured forward from the first day leave is used.

OTHER PROVISIONS:

Family and Medical Leave taken for the birth of a child or for placement for adoption or foster care:

- 1) May be taken prior to the actual birth or placement.
- 2) May be used up to 12 months after the birth or placement.
- 3) Among spouses who both work for the City shall be limited to a combined total of 12 workweeks during any 12 month period measured forward from the day leave is used by either spouse.
- 4) May be taken intermittently or by working a reduced workweek at the City Manager's approval.
- 5) On an intermittent or reduced leave schedule will only be charged against the employee's entitlement for time actually taken.

Family and Medical Leave taken to care for the employee's seriously ill spouse, child, or parent and because of a serious health condition that makes the employee unable to perform the essential functions of the employee's position:

- 1) Must provide certification from the health care provider that includes a statement that the employee is "needed to care for" the family member, or a statement that third-party care is required or that the employee's presence would be beneficial to the patient.
- 2) May be taken intermittently or by working a reduced leave schedule if certification is provided from the health care provider that such leave is medically necessary and indicates the expected duration and schedule of such leave; or that there is a medical need for the leave, and that the medical need can best be accommodated through an intermittent or reduced leave schedule.
- 3) On an intermittent or reduced leave schedule will only be charged against the employee's entitlement for time actually taken.
- 4) May be temporarily transferred to an available alternative position at the same pay range provided the employee meets the minimum qualifications for the position and it better accommodates recurring periods of leave than the employee's regular job.

HEALTH BENEFIT PREMIUMS: During Family and Medical Leave taken without pay, the employee shall be responsible for paying the employee share of the health benefit premium, if any, directly and on time to the Payroll Office. Arrangements must be made prior to leave without pay with the Payroll Clerk.

RETURNING TO WORK: An eligible employee who takes Family and Medical Leave shall be restored to the same position that the employee held when the leave started, or to an equivalent position as established by the Family and Medical Leave Act of 1993.

SECTION 12. RESERVED

SECTION 13. MISCELLANEOUS LEAVE

In cases of special hardship, or in other cases not provided for in these regulations, the Department Head with consent of City Manager may grant short-term leaves at full, partial or no pay. City Manager may grant permission to Department Heads. Examples of such leaves include, but are not limited to:

- A. Absence for personal business which cannot be handled during the off duty hours.
- B. Absence to attend an authorized course of instruction directly related to the employee's duties, only while on duty.

All such leaves are a privilege, granted solely at the discretion of the Department Head, with approval of the City Manager, and the approval or denial of a request for such leave is not subject to grievance. All compensatory time shall be used before other time off is granted.

SECTION. 14 INDUSTRIAL LEAVE BENEFITS:

A. An employee who sustains injuries or illness compensable under Worker's Compensation Law, Title 23, chapter 6, A.R.S., may choose to supplement worker's compensation benefits with the use of accrued leave benefits or request to go on leave without pay.

1. If the employee chooses to supplement worker's compensation benefits, the following procedures will apply:
 - (a) The employee will be placed immediately on sick leave for the first five working days, if unable to work during that time. If sick leave is not available the employee will be placed on annual leave.
 - (b) After the initial five working days, the employee's sick leave benefits will be deducted in an amount necessary to receive total pay (leave payments plus worker's compensation payments) not to exceed the gross salary of the employee when the employee's sick leave is exhausted, the employee has the option of using annual leave. Once leave balances have been exhausted, the employee will be placed on leave without pay pursuant to Rule XII, Section 8 and all procedures after 2(a) will apply.
 - (c) The employee will receive all workers' compensation wage benefit checks.
 - (d) If a worker's compensation claim is not accepted for benefits by the carrier and the employee has only been receiving supplemental leave payments from the City in anticipation of worker's compensation benefits, the employee may request retroactive leave payments in the amount required to make their gross salary whole for the appropriate period of time.
2. If the employee chooses to go on leave without pay pursuant to Rule XII, Section 8, the following procedures will apply:
 - (a) For the first five working days the employee will be placed on sick leave or annual leave if no sick leave is available. After the five working day period the employee will be placed on leave without pay.
 - (b) The City will continue to pay the City's portion of health insurance. The employee will be required to pay any employee portion of benefits to the Payroll Office.
 - (c) The City will cease making payments to the Retirement System for the period of leave without pay, unless otherwise required by law.
 - (d) The employee will receive all checks from the worker's compensation fund.
 - (e) If a worker's compensation claim is not accepted for benefits by the carrier and the employee has been on leave without pay in anticipation of worker's compensation benefits,

the employee may request retroactive leave payments in the amount required (not to exceed accrued leave benefits) to make their gross salary whole for the appropriate period of time.

B. If an employee receives a retroactive worker's compensation payment and has received leave payment for that period also, the employee must reimburse the City for the appropriate number of days worker's compensation payments are received and the City will then restore the equivalent value of leave to the employee's appropriate leave account. If the employee fails to reimburse the City for this period, disciplinary action may be pursued and the amount owed may be withheld from the employee's paycheck.

C. **MODIFIED WORK PROGRAM:** In the event of a disability, caused by an industrial injury or illness, that would impair performance on the former job, the City shall make every effort to temporarily place the employee in a suitable position while awaiting a full release to the former job. In finding a suitable light duty position the City will consider first and foremost the placement of the employee into the same position or department / division. , And secondly, into a related position or assignment in which placement is determined by the City Manager to bring value to the organization.

The Personnel Director will coordinate and select modified work assignments.
An offer of modified work for an employee must:

- (a) Be in writing
- (b) Describe the type of work available
- (c) State the wage to be paid
- (d) Identify the date and time the employee is to report to work
- (e) Indicate the number of hours the employee is to work per day.

Refusal to accept restricted or modified duty that is approved by a physician may result in reduced benefits and/or termination.

RULE XII. SECTION 15. RESERVED

SECTION 16. UNAUTHORIZED ABSENCE

An employee who is absent without prior approval of the City Manager, for three (3) consecutive work days - three shifts for Fire Department shift employees - may be considered to have abandoned his/her position and thus subject to termination. After a pre-action hearing or opportunity for a hearing, employee will be notified of termination by Certified Mail, Return Receipt Requested, mailed to the employee's last known address.

RULE XIII. HOLIDAYS

The Holidays to be observed in this City are as follows:

New Years Day	
Martin Luther King Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day
Labor day	

When a Holiday falls on a Saturday, the preceding Friday shall be observed. When a Holiday falls on a Sunday, the following Monday shall be observed. It should be noted that Public Safety and other essential service employees may be required to be on duty on Holidays in the interest of the public health, safety, or general welfare of the City.

Police Department shift personnel will receive ten (10) Holidays per year and may be used on a substitute basis.

Fire Department shift personnel will receive 160 Holiday hours and may be used on a substitute basis.

Police and Fire Department shift personnel, who receive substitute holidays and leave City Service, shall receive as a "pay out" only a pro-rated amount of Holiday time paid, according to their date of separation from

City service in relation to the official holidays already observed by the City during that calendar year. Any holiday hours utilized in excess of the pro-rated amount determined at the time of separation from City service shall be reimbursed to the City. (rev. 1/14/04)

For example, an employee resigning from City Service on July 5, will be paid unused holiday hours not to exceed a pro-rated amount of Five (5) substitute holidays (for officially observed holidays to date: New Years, MLK, Presidents Day, Memorial Day and Independence Day).(rev. 1/14/04)

Employees Scheduled to Work. An employee who is regularly scheduled to work on a day on which one of the holidays listed above is observed is entitled to be absent with pay for the number of hours regularly scheduled to work, not to exceed eight, unless required to work to maintain essential City Services.

Employees Not Scheduled to Work. An employee who is not scheduled to work on a day on which one of the holidays listed above is observed shall receive holiday compensation for the number of hours normally worked per day, not to exceed eight, for 40 hour employees, and not to exceed 16 for Fire Department Shift Personnel provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day on which the holiday is observed.

Employee Required to Work. An employee who is required to work on a day on which a holiday listed above is observed or, in the case of Fire or Police personnel, on a previously scheduled substitute holiday, shall receive both holiday compensation and one and one-half hour of pay at the current salary rate, for each hour worked.

RULE XIV. SALARY ADMINISTRATION:

SECTION 1. APPLICATION OF RATES

Employees occupying a position in the classified service shall be paid a salary or wage established for that position's class under the pay plan as provided by Rule V. The minimum rate for the class generally shall apply to employees upon original appointment. However, the City Manager, when circumstances warrant, may authorize original appointment or reinstatement at other than the minimum rate.

Adjustment of rates will be effective the first day of pay period following date of change, unless otherwise directed by Mayor and Council.

The salary used to compute any adjustments covered under this Rule shall be the employee's current pay minus overtime pay, shift or other differentials.

SECTION 2. ADVANCEMENT WITHIN SALARY SCHEDULE

No salary advancement shall be made so as to exceed any maximum range established in the pay plan for the class to which the advanced employee's position is allocated, unless approved by Council.

Advancements within the allocated pay range of each class, unless otherwise provided for in these Rules, will be based on two factors: (1) longevity of service and (2) employee performance standards.

The administration and approval of any advancement within a pay range, as defined by this Section, shall be established under separate administrative policy by the City Manager in conjunction with the Personnel Director.

SECTION 3. ADVANCED SALARY

No employee will be authorized to draw an advance on his or her unearned salary.

SECTION 4. OUT-OF-CLASS ASSIGNMENT

The salary of an employee placed on an out of class assignment pursuant to Rule IX, Section 3 of these Rules will be increased by 5% when additional duties have been assigned to the employee's current duties. In cases when an employee is placed into a higher position or to an assignment comparable to a higher classification, the salary will be raised to the range of the higher classification at the same step that the employee currently holds.

SECTION 5. PROMOTIONS.

The salary of an employee who is promoted shall be brought to the salary range established for the classification to which the employee is being promoted. The employee's salary shall be placed at the step in the new range which generates at least a 5% increase in salary, but not more than 10% in salary. If the minimum step of the new promotional range is greater than a 10% increase in salary, then the employee's salary shall be placed at the minimum step of the new range, i.e., Step X. (rev. 1/14/04)

SECTION 5a. TRANSFERS

The salary of an employee who is transferred to a position of the same salary range, shall carry the same step within the pay plan held at the time of transfer. (rev. 1/14/04)

SECTION 6. VOLUNTARY DECREASE

The salary of a permanent status employee who volunteers for a range decrease shall be set at the range of the position being placed into. The step within the new range where the employee will be placed will be the step closest to the employee's current salary at the higher range.

The salary of an original probationary employee who volunteers for a range decrease shall be the entrance salary of the new pay range.

SECTION 7. DEMOTION

The salary of an employee who is demoted shall be set at the range of the position being demoted into. An employee who is demoted will carry the same step within the pay plan held at the time of demotion.

SECTION 8. REDUCTION IN FORCE

The salary of an employee who is reduced in pay range due to a reduction in force shall be set at the range of the position being placed into. The step within the new range where the employee will be placed will be the step closest to the employee's salary at the time of the reduction in force.

SECTION 9. REVERSION

Except as otherwise set out in Rule X, Section 3, An employee who does not complete the promotional probationary period, and returns to the former position, will return to the range held at the time of promotion.

SECTION 10. SHIFT DIFFERENTIAL

The City Manager may authorize a salary differential to be paid to employees on other than day shifts. The salary differential shall not exceed 5% of the employee's current salary. Employees in the same class in the same department who work on the same shift shall receive the same percentage differential.

SECTION 11. CONFIDENTIAL POSITIONS

Confidential employees listed in Rule VIII. Section 3, who held that position prior to August 13, 1997, when these rules were revised, are entitled to a salary differential not to exceed 5% of the employee's current salary as authorized by the City Manager. Confidential employees hired after November 08, 1997 will have the confidential designation included in their job description and will not be entitled to a shift differential.

SECTION 12. REEMPLOYMENT

The salary of a former City employee who returns to City service from a reduction in force shall be set at the range of the position being placed into and at the step closest to the salary, which the employee held at the time of the reduction in force.

SECTION 13. CLASSIFICATION OR RANGE CHANGES

The salary of an employee in a position, which is reclassified to a higher range, or in a class which is changed to a higher range, shall be set at the range of the new class. The employee may carry the same step into the new range as was held prior to the reclassification.

SECTION 14. UNDERFILL

The salary of an employee placed into an underfill appointment shall be handled the same as a transfer or a promotion, depending on the pay range of the class selected for underfill. As the minimum qualifications are

met for the permanent classification of the position, the underfill may be removed and the employee promoted into a higher class range in the series or the full range of the position. (rev. 1/14/04)

RULE XV. OVERTIME

SECTION 1. POLICY

It is the City's policy to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, seasonal or peak workload requirements, the Department Heads are responsible for the advance planning required to minimize the need for overtime. No officer or employee may work over-time or receive credit or pay for any overtime unless pre-authorized. Therefore, if in the judgment of a Department Head, work beyond the normal work day or work period is required, the Department Head may authorize such work and the employee shall be credited with time and one half for each hour worked if the hours exceed maximum hours in the employee's work period, or grant compensatory time in accord with F.L.S.A. if approved by the City Manager.

RULE XVI. BENEFITS

SECTION 1. HOSPITALIZATION INSURANCE

Permanent Full time and grant funded limited full-time employees are covered by the City group insurance program. The plan provides health, accident insurance coverage. The employee may elect to cover dependents under this program. The City Council may set a cap on the amount of the health insurance premium to be paid for employee and/or dependent coverage. This cap will remain in effect until the City Council decides to change or eliminate it. The employee shall pay, through payroll deduction, any portion the employee/dependent coverage not paid by the City.

SECTION 2. LIFE INSURANCE

The City carries a life insurance policy on each employee. Employees are eligible upon completion of one (1) month of employment.

SECTION 3. INCOME PROTECTION

The City pays into this program for disability or illness of employees. After three- (3) months of employment, employees are eligible for this benefit after sixty- (60) days of total disability.

SECTION 4. STATE RETIREMENT SYSTEM

Employees contribute a percentage of gross pay by payroll deduction, matched by a percentage contribution by the City. Interest is added each year. Retirement income depends upon the individual's total deposit in the system at the time the employee retires. The percentage contribution is determined by the Legislature.

SECTION 5. PUBLIC SAFETY RETIREMENT

Employees under this system contribute a percentage of gross pay by payroll deduction, matched by a percentage established on a periodic basis for the City. Employees under this system do not contribute to the Social Security System.

SECTION 6. CLOTHING ALLOWANCE AND UNIFORMS

The City shall provide uniforms, on a reasonable basis, to employees who are required to wear uniforms as part of their job duties.

SECTION 7. SOCIAL SECURITY

Amounts contributed by employer/employee are set by Congress and may change periodically.

RULE XVII. EMPLOYEE DISCIPLINE

SECTION 1. GENERAL RULE

The tenure of every employee in the classified service shall be during periods of acceptable conduct and satisfactory performance of duties. Failure to meet such standards of conduct and work performance for any of the reasons listed in Section 5 of this Rule (such list is not to be considered all-inclusive) or other good cause shall be considered sufficient to support any disciplinary action, including dismissal.

SECTION 2. PURPOSES OF DISCIPLINE

It is the aim of the City to provide working conditions in which all employees carry out, as closely as possible, the instructions of their supervisors and abide by established or practiced rules of conduct in the organization. It is recognized that to provide these conditions, some measure of discipline is required for unacceptable behavior or poor performance by an employee. Good discipline is the result of constructive, positive leadership, which provides the framework within which:

A. Self discipline can develop.

B. Prompt action can be taken against offending persons. A disciplinary policy embodying definite action is needed for a minority of employees, who if unchecked, would spread dissatisfaction and poor conduct throughout the organization.

To accommodate both of these aims, a policy should be followed that includes the following elements:

1. A Clear and reasonable list of working rules with uniform penalties for violations.
2. Instruct all employees so that they may know what is expected of them in terms of both observance of working rules and established standards of job performance.
3. A method of informing employees on how well they are meeting job standards and rules of conduct.
4. When apparent breaches of conduct or instances of unsatisfactory performance occur, careful investigation of the background circumstances of each case, as provided by both the accuser and the accused, before any disciplinary action is taken.
5. Prompt, consistent application of disciplinary measures by the employee's immediate supervisor, but only after responsibility for the wrongful employee conduct has been clearly established.

Unfortunately, many people associate the meaning of discipline with punishment only. Actually a more accurate definition describes discipline as "training which corrects, molds, strengthens, or perfects." Punishment is the last of the effective disciplinarian. Properly used, discipline can generate close cooperation and mutual understanding between the supervisor and the employees, and among the employees themselves.

SECTION 3. DISCIPLINARY DECISION

Determining the appropriate action for a particular case is a most difficult problem in dealing with the various types of discipline. It is obviously impossible to set hard and fast rules concerning the many cases with which the supervisor will be faced. Nevertheless, two general suggestions are offered.

A. The major goal of a disciplinary action is to improve the performance or behavior of the offender, rather than to punish the offender. In some cases, punitive discipline may be the best corrective action, but in most cases such severe discipline is likely to make the employee's future usefulness to the organization of questionable value. If the infraction of the rules justified severe punitive action, dismissal of the employee is usually preferable to severe discipline, short of dismissal.

B. Certainty and promptness in disciplinary action are usually more effective than severity. This does not mean that action should be taken hastily or in the heat of emotion. A "cooling off" period is generally advisable for the supervisor and employee. However, once the supervisor has decided what action is necessary, action should be taken promptly.

SECTION 4. TYPES OF DISCIPLINE

For the purpose of achieving consistency, a standard set of disciplinary actions have been formulated to be used as a guide for correcting violations of the City's Rules.

A. Oral Reprimand: The oral reprimand (given in private) is the most often used and least severe of the formal group of actions. Oral reprimands cannot serve as the sole basis for the discharge of an

employee. This is a warning procedure and should serve to forestall the employee from placing him/herself in a situation demanding a more severe action. It should be a cooperative attempt at determining and overcoming the source of difficulty.

B. Written Reprimand: In the case of a written reprimand, an employee is presented the letter and a copy sent to the Personnel file. The Department Head should countersign a statement of reprimand. This should be used in cases where an oral reprimand has been given for an earlier situation, or where the gravity of the situation does not lend itself to only an oral reprimand.

C. Suspension Without Pay: Suspension without pay is the temporary separation from performance of duties of an employee without pay. It is a commonly used form of discipline for serious infractions of rules. However, it becomes a severe form of discipline, not only for the financial loss the employee suffers, but also for the employee's diminished prestige.

The Department Head, after consultation with the Personnel Director, may suspend an employee from any position at any time for disciplinary purposes. Suspension without pay shall not exceed thirty- (30) calendar days.

D. Demotion: Demotion is the movement of an employee from one class to another class in the same series having a lower maximum rate of pay or to a lower related classification for the purpose of discipline or for the reason of the employee's failure to meet the requirements of his/her class of work. It is a severe action normally caused by incompetence of an employee in the performance of their duties. Before a demotion can be effected, it must be clearly established that the employee's performance of duties warrants this type of discipline. The Department Head, after consultation with the Personnel Director, shall provide a written explanation to the employee, stating reason for demotion, prior to the demotion being effective.

E. Dismissal: Dismissal is the involuntary separation of an employee from City employment by means other than lay-off. It is the most extreme of the formal actions. Removal may be the direct result of a commission of some grave rule violation by the employee, but more often it occurs after an accumulation of violations of a lesser degree and failure of the employee to respond positively to the corrective efforts of the supervisor. Before dismissal can be effected, it must be clearly established that the employee's actions warrant this type of discipline. The Department Head, after consultation with the Personnel Director, shall provide a written explanation to the employee, stating the reason for dismissal, prior to the dismissal being effective.

SECTION 5. REASONS FOR DISCIPLINARY ACTIONS, INCLUDING TERMINATION

Grounds for discipline or termination include, but are not necessarily limited to, the following:

(rev. 1/14/04)

- A. Falsification of application for employment or records
- B. Chronic absenteeism
- C. Chronic tardiness
- D. Malingering
- E. Insubordination, discourtesy
- F. Incompetence in the performance of assigned duties
- G. Prohibited political activities
- H. Favoritism on the part of a supervisory employee
- I. Discrimination on the part of supervisory employee against any employee on the basis of race, color, sex, national origin, religion, disability or personal dislike.

- J. Any action tending to bring discredit on the City service.
- K. Use of or possession of intoxicants or drugs (unless prescribed by a physician) while on duty. Arriving at work under the influence or being absent from work because of abuse of intoxicants or drugs. Illegal possession of drugs or attempting to take part in the sale or illegal possession of drugs.
- L. Dishonesty
- M. Misuse of City property
- N. Conducting personal business during normal work shift, which is not first approved by an appropriate supervisor.
- O. Destruction or damages of City property through carelessness, negligence or neglect.
- P. Safety violations or endangering health and safety
- Q. Sleeping on duty
- R. Physical abuse of others
- S. Bribery
- T. Conviction of a crime involving moral turpitude
- U. Failure to successfully complete prescribed course of instruction, i.e., Police Academy, or Arizona Certification, Water Certification I, Emergency Medical Training.
- V. Leaving workstation without legitimate reason, permission of supervisor, or proper relief during absence.
- W. Release of or tampering with public records, not available for public inspection without requesting permission or appropriate authorization.
- X. Use of information obtained on the job for personal or financial gain.
- Y. Breach of the City's Drug and Alcohol Policy, as set out in Rule III of these Rules.
- Z. Failure to maintain the minimum qualifications for position including required certifications or licenses as required by position.
- AA. Abusing sick leave
- BB. Violating company rules and/or policy
- CC. Engaging in criminal activity
- DD. Behaving violently

RULE XVIII. GRIEVANCE PROCEDURE

SECTION 1. PURPOSE

The purpose of the grievance procedure is to give employees a systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with the immediate supervisor.

Another purpose is to reduce the loss of employees either by resignation, removal or dismissal. Each dismissal of an employee represents a loss to the City, the employee, and the latter's family. Preventing failures of this type is of a significant duty of every Department Head/Supervisor.

No person shall directly or indirectly use or threaten to use an official authority or influence in any manner to discourage an employee's use of the grievance procedure, nor shall any employee suffer reprisal in any form as a result of using this procedure.

SECTION 2. MATTERS SUBJECT TO GRIEVANCE PROCEDURE/EXCEPTIONS

A. An employee may use this grievance procedure in the following cases:

1. A dispute between the employee and the employee's Department Head/Supervisor arising out of the interpretation of these Rules and Regulations.
2. A disciplinary action involving a written reprimand or suspension with pay.
3. Alleged unfair treatment of an employee by a supervisor.

B. The following matters are not subject to the grievance procedure:

1. Content Structure of the Pay Plan: The basic rates paid by the City to the incumbents of a given job classification.
2. Matters Related to the General Goal of the City: Work techniques, the organization of the Departments, and other such matters related to the general goal of the City are not subject to the grievance procedure.
3. Probationary matters: Dismissal for failure to complete an initial probationary period or re-assignment to a previously held position after failing to complete a promotional probationary period are not subject to the grievance procedure.
4. Performance Evaluations: Performance evaluations are not subject to the general grievance procedure as outlined under Rule XVIII. A separate review process will be followed for this type of appeal as outlined in Rule XXIII. Section 7.
5. Non-Appealable Matters: Matters listed elsewhere in these rules are designated as being non-appealable or not subject to grievances.

SECTION 3. GRIEVANCE PROCEDURE

If an employee has a grievance relating to any written disciplinary action and/or an adverse action by a department head from another department, the employee shall proceed directly to subsection 3 of this Section.

1. **Verbal presentation of grievance to Supervisor**: Any employee who has a problem or a complaint should first attempt to settle the matter through discussion with his/her immediate supervisor. The grievance shall be submitted as promptly as possible, and in no case in excess of five (5) working days from date of occurrence of the incident which led to the grievance, or from the date on which the employee was aware that a possible violation of these Rules had occurred.
2. **Written presentation of grievance to Department Head**: If after #1 above, the employee does not believe the problem has been satisfactorily resolved he/she has five (5) working days to appeal, in writing, to the Department Head. The Department Head shall, within five (5) working days meet with the employee and review all facts and information relating to the grievance. The Department Head shall render a decision on the grievance in writing no later than three (3) working days after the hearing.
3. **Appeal to City Manager**:
If the employee does not believe the problem has been satisfactorily resolved he/she has five (5)

working days to appeal, in writing, to the City Manager. The City Manager shall, within five (5) working days meet with the employee and review all facts and information relating to the grievance. The City Manager shall render a written decision on the grievance no later than five (5) working days after the grievance review meeting. The decision of the City Manager is final.

RULE XIX. PROCEDURE FOR APPEAL FROM DISCIPLINARY ACTIONS AFFECTING PAY

SECTION 1. MATTERS WHICH MAY BE APPEALED.

A permanent regular status employee may appeal a dismissal, demotion or suspension without pay, or any matter affecting the pay of that particular employee except matters involving compensation rates, classification matters or the basic rates paid by the City to the incumbents of a given job classification. The appeal may be based on one or more of the following grounds:

1. The action being appealed was arbitrary and capricious.
2. There was no factual basis for the action.
3. The action was based on an incorrect application of the Personnel Rules.
4. The action was due to allegedly illegal discrimination, or
5. The action was an abuse of discretion.

Appeals will not be allowed for matters grievable under the prior Rule, matters involving employees on probation or matters involving employees in unclassified service.

SECTION 2. PRE-ACTION HEARING

Except in emergency situations, the Department Head, with a witness present, will hold a Pre-Action Hearing prior to presenting an employee with a notice of suspension, demotion or dismissal. The employee will be advised of the contemplated action through a written notice of intent to suspend without pay, demote or dismiss and will be furnished with copies of any documentation that caused the action to be considered. The employee may request to be given three (3) working days to present the Department Head with information refuting the allegations or with any other statements the employee may wish. If, after that three (3) day period, the employee does not establish to the satisfaction of the Department Head that the contemplated action should not be imposed or that a lesser type of discipline should be imposed, the Department Head shall present the employee with the written notice of dismissal, demotion or suspension, which will be signed by the Department Head. Such notice shall state the specific allegations against the employee clearly and with such particularity as will enable the employee to understand and answer the allegations. Such notice shall be personally served on the employee forthwith or mailed by registered letter to the employee's most recent address. Return receipt from addressee, or proof of personal service, shall be attached to a copy of the notice and filed with the Personnel Director. If an employee wishes to file an appeal from the Department Head's decision, he or she must do so within five working days from receipt of the notice.

SECTION 3. REVIEW BY CITY MANAGER

If a written disciplinary action is not challenged by the filing of a formal appeal within five (5) working days, the Department Head shall forward a copy of the written disciplinary action, together with a written finding of facts and all documentation supporting the action, to the City Manager upon the expiration of the time allowed for filing a formal appeal. The City Manager shall review the action and approve it if it is supportable on any ground. The action shall become final upon such approval. The approved action, signed by the City Manager, shall then be filed in the employee's personnel records and a copy served upon or mailed to the employee. If a formal appeal challenging the written disciplinary action is filed in a timely manner, the procedure contained in this rule shall be followed.

SECTION 4. APPEAL TO THE CITY MANAGER

If the employee does not believe the problem has been satisfactorily resolved at the Department Head level, as set out in the prior section, he/she has five (5) working days to appeal, in writing, to the City Manager. The City Manager shall, within five (5) working days meet with the employee and review all facts and information relating to the appeal. The City Manager shall render a written decision on the appeal no later than five (5) working days after the review meeting. If the City Manager upholds the personnel action or imposes substituted action, the City Manager shall sign the disciplinary action, which shall then be filed in the employee's personnel records, and a copy served upon or mailed to the employee. Changes in pay status will

become effective on the date of mailing or service. Any party aggrieved by the City Manager's decision must contact the Personnel Director and request a hearing pursuant to the next section of this Rule within five (5) working days of receipt of the City Manager's action.

SECTION 5. HEARING

A. Mediation. If a party requests a hearing within five (5) days of an adverse decision by the City Manager, the Personnel Director shall immediately contact the parties to determine if they desire to have the Personnel Appeals Board mediate the matter. If both parties agree in writing to mediation, the Personnel Director shall forward copies of all the documents related to the appeal to the Board which shall hear the mediation within not less than ten (10) nor more than fifteen (15) days. One or more Board members may conduct the mediation.

B. Hearing. If all parties do not agree to mediation, the Personnel Director shall schedule a hearing on the appeal, and the hearing shall take place not less than ten (10), nor more than fifteen (15) working days after filing of the formal appeal. The employee shall be given at least five (5)-calendar days written notice of the hearing date. The employee shall also be provided with a copy of the written rules of procedure for the hearing.

The hearing shall be presided over by a Hearing Officer, who shall make evidentiary decisions and legal findings and run the hearing. The Hearing Officer shall be qualified by training and/or knowledge to hear employment matters. The Board members present at the hearing shall act in an advisory capacity, similar to an advisory jury. A majority of the appointed Board members need not be present for the hearing. The members actually present at a hearing will constitute a valid panel for that hearing. If both parties agree in writing, the hearing may be held before the Hearing Officer only.

The Hearing Officer and the Personnel Director shall determine the rules of procedure, which should be as informal as is consistent with fair practice. Those rules shall be set forth in writing and made available to the employee and the City Attorney.

The employee may be represented at the hearing by an attorney or one other person of the employee's choosing. The City Attorney shall present the case for the City. The Hearing Officer shall have the power to subpoena witnesses and compel their attendance.

The Hearing Officer shall hear testimony and receive evidence relevant to the appeal. Evidence and testimony offered at the hearing may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant and material and has some probative value as to a fact in issue. The hearing shall be tape-recorded.

Within ten (10) working days following the conclusion of the hearing, the Hearing Officer shall announce its findings of fact, conclusions of law and recommended decision and furnish a written copy to the employee and the City Manager. The Hearing Officer's written decision shall include the factual findings of a majority of the Board members present at the hearing. The Board shall forward all documentary evidence received by the Board and the tape recording of the hearing to the City Manager.

The Hearing Officer's recommendation may include alternative decisions for selection by the City Manager. The Hearing Officer's finding of facts shall be in such detail as to allow an informed final decision by the City Manager. The City Manager shall render its written final decision within five (5) working days.

SECTION 6. CITY MANAGER'S DECISION

The City Manager's decision is final subject only to review by the Superior Court. The City Manager shall sign the decision, which shall then be filed in the employee's personnel records, and a copy served upon or mailed to the employee. If the City Manager, acting upon the Hearing Officer's recommendation, reverses the prior action, the City Manager may order that the employee be reinstated with or without back pay, and in such amounts as the Manager deems proper under the circumstances.

SECTION 7. TIME LIMITS

The time limits specified in this Rule may be extended to a definite date by mutual agreement of the parties involved. However, failure of the employee to meet an established time limit shall constitute an abandonment

of the grievance and the grievance shall be dismissed.

RULE XX. REDUCTION IN FORCE

SECTION 1. PROCEDURE OF NOTIFICATION

Whenever it becomes necessary, because of the lack of work or funds, to reduce the number of employees in any given class, the City Manager shall notify the Personnel Director of the number of employees to be laid off from such a position. Within three (3) working days after the receipt of such written notice, the Personnel Director shall give notice to the employees who will be affected by layoff. The notice to the employee shall list the names of the employees who shall be laid off in accordance with these Rules.

SECTION 2. ORDER OF LAYOFF

A. Calculating R.I.F. Points. The Personnel Director shall determine the order of layoff based on a comparison of the relevant employees' Reduction in Force ("RIF") points. In calculating RIF points, one RIF point shall be given for each year of full time permanent employment with the City. Two RIF points shall be allocated for each superior (above average) annual performance evaluation received after July 1, 1996. A maximum of 10 RIF points may be awarded for superior evaluations. One RIF point will be subtracted for each negative (below average) performance evaluation received after July 1, 1996, up to a maximum deduction of five RIF points. Two additional RIF points shall be deducted for each written disciplinary action received by an employee within the five years prior to the reduction in force.

B. Step One: Displacement within the Division: In the division affected by the reduction in force, the employee with the fewest divisional RIF points shall be removed from his or her position and proceed to step Two. The position vacated by the removed employee shall be filled by the divisional employee in the same or next highest class with the fewest RIF points, as compared to all other divisional employees in those ranges. The position vacated by that employee shall be filled by the divisional employee in the same or next highest class with the fewest RIF points, as compared to all other divisional employees in those ranges. This process shall continue until all positions are filled. An employee subject to displacement may voluntarily leave the division and proceed to Step Two as a substitute for the employee who would otherwise have been the first employee to leave the division.

C. Step Two: Displacement in the City: The employee leaving the division in Step One shall be placed in the position occupied by the City employee at the same range with the fewest RIF points. The City employee displaced by that action shall be placed in the position occupied by the City employee with the fewest RIF points at the same or next lowest range. The process of displacing City employees with the fewest RIF points shall be repeated until all positions are filled. If no vacant positions remain, the displaced employee shall proceed to Step Three.

D. Step Three: Lay off. If an actual lay off is necessary, part-time, limited and original probationary employees shall be first laid off. If the lay off of regular full time employees is necessary, after all positions occupied by part time and original probationary employees are filled, regular full time employees shall be laid off according the City RIF point system.

E. Rules of Procedure for Reduction in Force: When the reduction in force is announced, if an employee does not possess the minimum qualifications and/or does not have a necessary license or certificate to fill the position that would otherwise be available to that employee under the above procedure, the employee shall be deemed to have fewer RIF points than the employee occupying that position.

SECTION 3. REEMPLOYMENT

A re-employment list shall be maintained for a period of fourteen (14) months on all employees laid off as a result of Section 1 above. Employees laid off last will be offered a classified position to which he/she is qualified, if vacancies occur during this fourteen (14) month period.

RULE XXI. RESIGNATION AND RETIREMENT

SECTION 1. RESIGNATION

An employee wishing to leave the Classified service in good standing shall file with the Department Head a written notice of his/her intention to leave the service two weeks in advance, unless the Department Head

consents to his/her leaving sooner. The written resignation shall be forwarded to the Personnel Director forthwith. Department Heads will submit thirty-day notice of resignation. An employee who leaves the City service without so filing a written resignation, and giving two weeks notice, shall have the fact entered on their service record by the Personnel Director and shall be denied the opportunity to apply for any position in the City service in the future. (rev. 1/14/04)

SECTION 2. WITHDRAWAL OF RESIGNATION

Any employee who has resigned may withdraw the resignation if withdrawal is acceptable to the Department Head and City Manager.

SECTION 3. RETIREMENT

Employees anticipating retirement shall coordinate the effective date with the Personnel Department. Employees retiring will not be permitted to remain on the payroll while using up accrued vacation leave or sick leave. Final pay will include all monies due the employee.

SECTION 4. REINSTATEMENT

A permanent status employee who resigns in good standing or is separated without prejudice, shall be eligible to be considered for reinstatement to City service, on a non-competitive basis, for two years from the time of resignation or separation. Reinstatement can be to a vacancy in his/her prior classification or any classification for which minimum qualifications are met, subject to meeting all applicable post-offer/ pre-employment requirements. Reinstatement rights include credit for prior city service. (rev. 1/14/04)

RULE XXII. RECORDS AND TRAINING

SECTION 1. EMPLOYEE RECORDS

It is the policy of the City, to the extent permitted by law, to keep employee personnel records confidential in the best interest of each employee. Employee records that are considered to be public records are available to anyone with an appropriate appointment and request. These records include such information as an employee's name, date of hire, classification, grade, present rate of pay and duties performed. The employee must acknowledge any detrimental item placed in employee files. An employee's refusal to sign the acknowledgment shall be noted on the document by the employee's Supervisor. The refusal shall constitute waiver of the right to acknowledge the document.

Employee personnel records maintained by the City should be accessible to the following:

- A. For good cause shown, the City Manager may authorize access to employee personnel records for official City business.
- B. Employees, for review of their own individual personnel file. (This should be by pre-arranged time and shall not include removing records from the office.) Employees may request any detrimental material within their own personnel file that is at least three (3) years old be removed with the recommendation of the Personnel Director and approval by the City Manager. This request, if denied, is not grievable. Detrimental material shall be removed from an employee's file after five years, if no other disciplinary action has occurred in that time.
- C. Personnel Appeals Board, to the limited extent needed to properly hear and adjudicate employee's grievance, promotion or demotion.
- D. Personnel records that are subpoenaed, or needed by the City Attorney for official City business.
- E. Any person or organization that received a signed written release statement from the employee whose records are in question.

SECTION 2. RESPONSIBILITY FOR TRAINING

The City Council encourages the training of employees. Responsibility for developing training programs for employees shall be assumed by the Department Heads with consent of the City Manager. Such training programs may include lecture courses, demonstration, assignment of reading matter, or such other devices as

may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 3. CREDIT FOR TRAINING

Participation in and successful completion of special training courses including college extension or correspondence courses may be considered in making advancements and promotions. The employee shall file evidence of such activity with the Human Resources Director.

RULE XXIII. PERFORMANCE RATING

SECTION 1. PURPOSE

The purpose of the performance rating system is to properly evaluate the performance of the classified employees of the City in the accomplishment of their assigned duties and responsibilities. The factors used in rating performance should be as objective as possible. The performance rating system shall be used as a means of improving the performance level of all employees, particularly of those who measure below satisfactory.

SECTION 2. APPLICABILITY

Performance rating reports shall be made:

- A. Every 3 months during probation. If the performance is found to be unsatisfactory, the supervisor has the option to evaluate more often.
- B. Annually or near anniversary date.
- C. Whenever the Department Head or the City Manager so requires.
- D. Consideration may be given to re-evaluation when requested by the employee.

SECTION 3. ADMINISTRATION

The Department Heads shall administer the performance rating system under the direction of the City Manager.

SECTION 4. RATING AUTHORITY

The rating authority shall be the employee's first line supervisor.

SECTION 5. REVIEW AUTHORITY

The reviewing authority shall be the Department Head. Each employee rated shall have an opportunity to review the rating with his/her supervisor and shall sign the rating to acknowledge the review. The City Manager may investigate the accuracy of ratings and shall assist employee rating authorities and reviewing authorities in the administration of the performance rating system.

Completed copies of all rating forms shall be submitted to the employees and to the Personnel Director who shall file each form in the employee's personnel file.

SECTION 6. SPECIAL RATING PERIODS:

Performance rating reports may be requested by the City Manager when employees are promoted, transferred, resign or any other change of status.

SECTION 7. REVIEW/APPEAL PROCESS

An employee may request a review of a performance evaluation rating within three days of the date the evaluation took place with the immediate supervisor.

Such a request shall be submitted to the Personnel Director who will refer the appeal to a performance review committee for review and recommendation to the City Manager for a final decision.

The performance review committee shall consist of three employees in the City Service (one non-supervisor,

one supervisor staff, one management staff). Committee members will be selected and rotated every quarter by the Personnel Director.

RULE XXIV. HEADINGS

Rule and Section Headings are for informational and descriptive purposes only and they shall not be considered in applying or interpreting a rule.

RULE XXV. SEVERABILITY

Should any provision of these Rules be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, other sections shall not be affected and shall remain enforceable.